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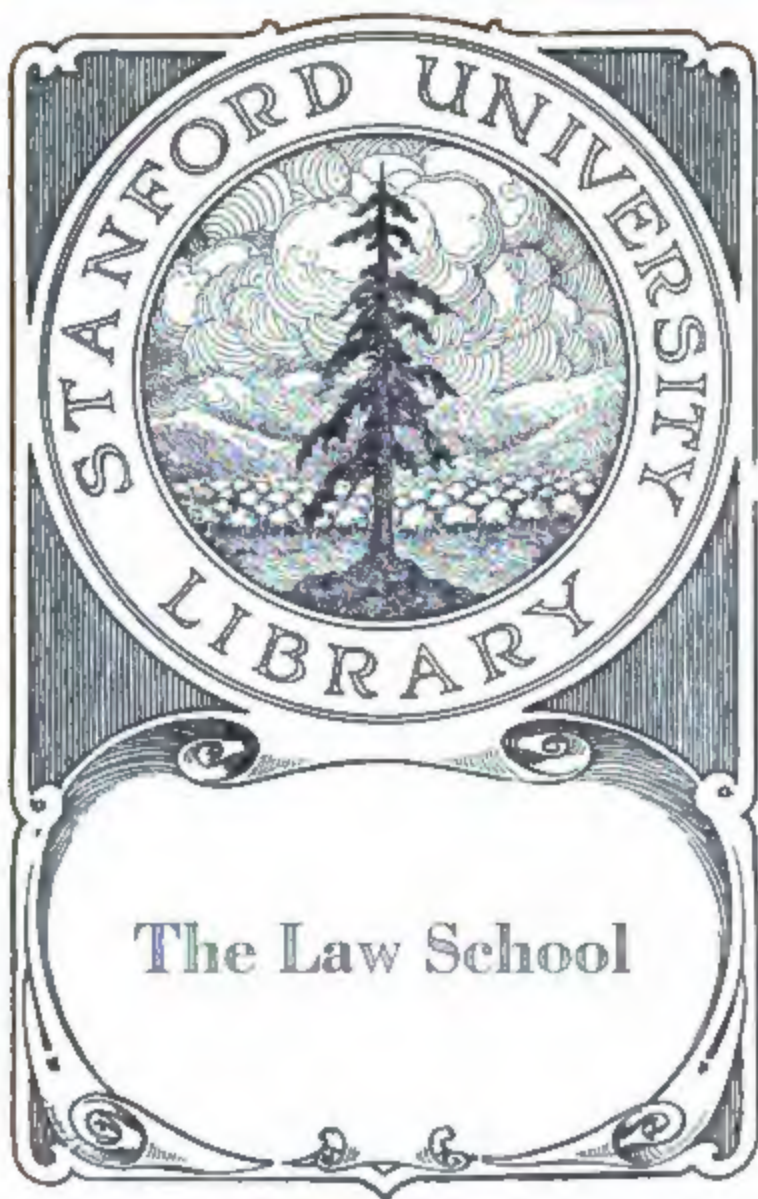
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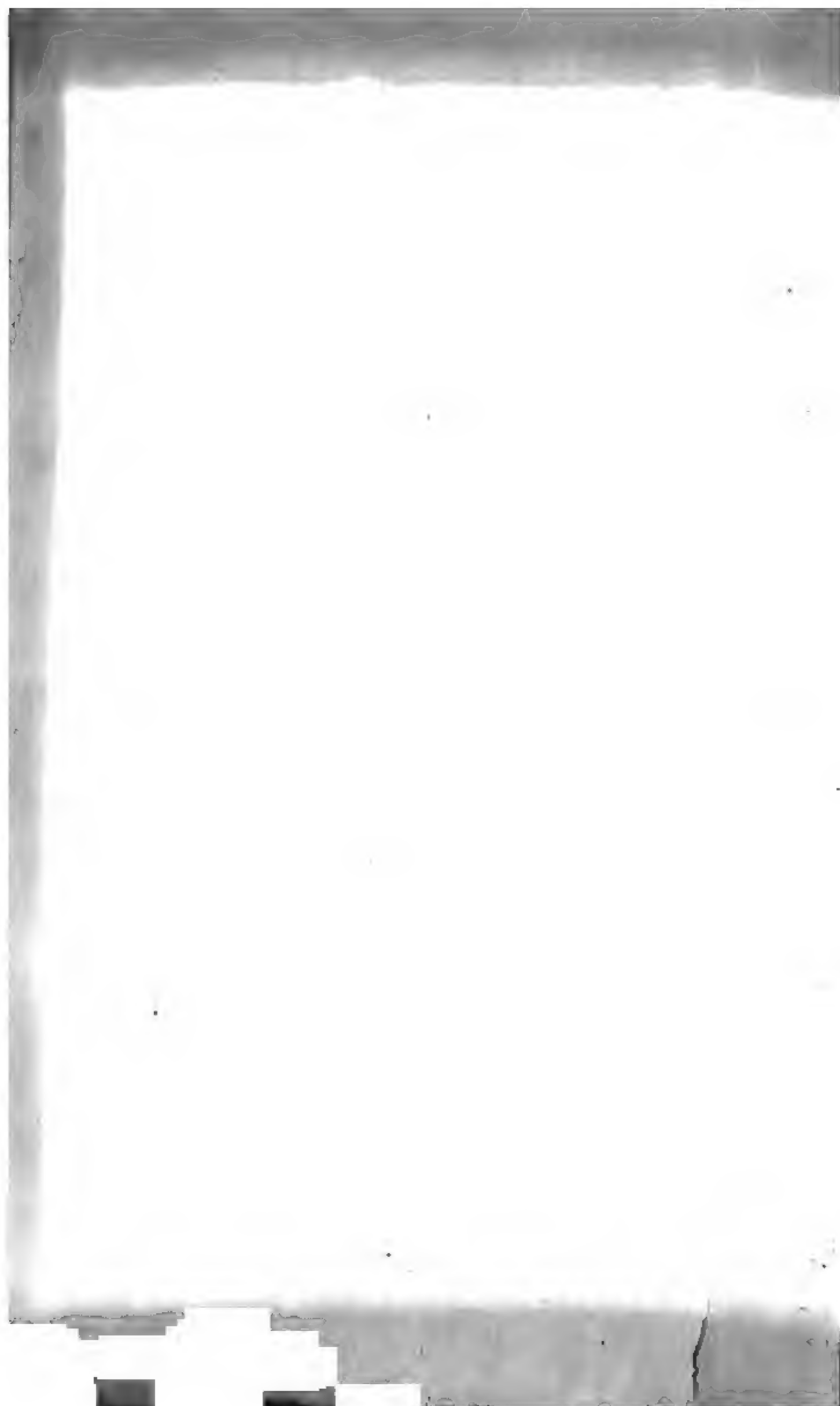
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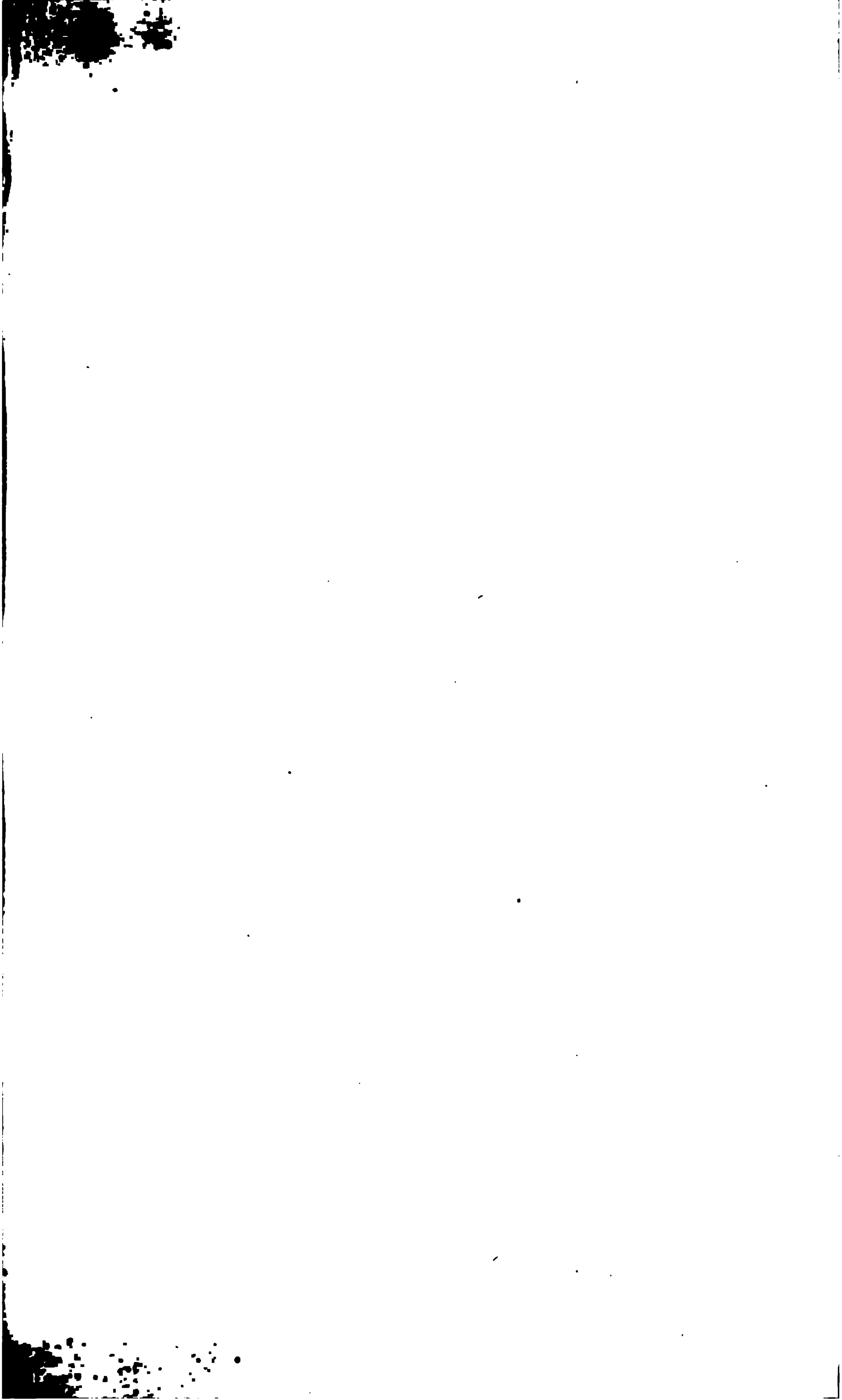
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Benjamin Franklin

1777-1783





ACTS
OF THE
FIFTY-SEVENTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY,

**AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-
THIRD DAY OF OCTOBER, 1832,**

BEING THE FIRST SITTING.



TRENTON:

PRINTED AT THE OFFICE OF THE NATIONAL UNION.

1833.

change the
time of the
term of the
court of ap-
peals.

is authorized, by and with the advice of Council, and whenever they shall deem it expedient, to change the time for holding the then next term of the court of appeals in the last resort in all causes of law or equity, from the first Tuesday in November, as now appointed by law, to such other time as they shall appoint for holding the said then next regular term of the court: *Provided always*, that the time so to be appointed shall be within three months from the time as at present appointed by law for holding the then next regular term: and such public notice shall be given, by the clerk of the court, of such change of time for holding the then next regular term, as the governor and council shall direct.

Proceedings
continued to
the time ap-
pointed.

SEC. 2. *And be it enacted*, That whenever the time for holding the said term of the court, shall be changed as aforesaid, all writs and process issued, and all causes which shall be then set down for hearing or argument, and all writs, pleadings, notices, and other proceedings shall be continued of course, and stand adjourned to the time so to be appointed; and writs of error may be made returnable, and appeals taken, to the time so to be appointed; and all other business may then be done, the same as may now be done at any stated term of the said court.

Passed October 31, 1832.

AN ACT to dissolve the marriage contract between Thomas Huffman and Elizabeth his wife.

Thos. Huff-
man and El.
Huffman di-
vorced.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract between Thomas Huffman, of the county of Middlesex, and Elizabeth, his wife, be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony.

Passed November 1, 1832.

AN ACT for the support of the government of this State.

Payment of
officers pro-
vided for.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That there shall be paid to the officers appointed for the administration of the government of this state, the several sums following, viz:

To the governor of this state for the time being, at the rate of two thousand dollars by the year. **The governor**

To the chief justice of the supreme court of this state for the time being, at the rate of twelve hundred dollars by the year. **Judges of supreme court.**

To each of the associate justices of the supreme court for the time being, at the rate of eleven hundred dollars by the year.

To the treasurer of this state for the time being, at the rate of one thousand dollars by the year. **Treasurer.**

To the law reporter and chancery reporter of this state for the time being, at the rate of two hundred dollars, each, by the year. **Law reporters**

To the attorney general of this state for the time being, at the rate of eighty dollars by the year. **Attorney general.**

To the quartermaster general of this state for the time being, at the rate of one hundred dollars by the year. **Quartermaster general.**

To the adjutant general of this state for the time being, at the rate of one hundred dollars by the year. **Adjutant general.**

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or vice-president of council: and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal; and the salary of his successor shall commence from the time he shall be sworn or affirmed into office. **How to be paid.**

SEC. 2. *And be it enacted,* That there shall be paid to the vice-president of council and speaker of the house of assembly the sum of three dollars and fifty cents, and to every member of the council and assembly the sum of three dollars for each and every day they have respectively attended this, or shall attend any future sitting of this legislature; and to every member the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual road, between his place of residence and the seat of government, in going and returning, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president or vice-president of council, for the members of council, or by the speaker of the house of assembly, for the members of assembly, or by Cornelius L. Hardenberg, John Cornelison, William R. Allen, and Anthony Nelson, esquires, or any two of them, for the members of assembly. **Members of council and assembly.**

SEC. 3. *And be it enacted,* That there shall be paid to the secretary of council and clerk of assembly the sum of three dollars and fifty cents for every day they have respectively attended, or may attend any future sitting of this legislature; and the sum of eight cents, by the sheet, computing one hundred words to the sheet, for entering the minutes of council and assembly and the joint-meeting fairly in the journals; and eight cents, by the sheet, for a copy thereof, for the printers; **Secretary of council and clerk of assembly.** **How to be paid.**

on a certificate, produced to the treasurer, signed by the president or vice-president of council for the secretary of council, and by the president of council or the speaker of the house of assembly for the clerk of assembly.

Sergeant-at-arms and doorkeepers.

SEC. 4. *And be it enacted*, That there shall be paid to the sergeant-at-arms for the time being who shall attend the council and the house of assembly, and to the doorkeepers of council and the house of assembly for the time being, the sum of two dollars, by the day, for each day, on a certificate, to be produced to the treasurer, expressing the sum and the number of days they have respectively attended, signed by the president of council or the speaker of the house of assembly.

Engrossing clerk.

SEC. 5. *And be it enacted*, That there shall be paid to the engrossing clerk who shall engross the bills of council and assembly this session of the legislature, at the rate of eight cents, by the sheet, computing one hundred words to the sheet, on a certificate of the amount, signed by the president or vice-president of council or by the speaker of the house of assembly.

Limitation of act.

SEC. 6. *And be it enacted*, That this act be, and continue in force for one year from the twenty-fifth day of October, in the year of our Lord one thousand eight hundred and thirty-two, and no longer.

Passed November 2, 1832.

AN ACT to defray incidental charges.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be lawful for the treasurer of this state to pay the several persons, herein after named, the following sums, to wit:

Certain incidental charges to be paid.

To Joseph Justice, for publishing the public laws of this state, passed during the session of the last legislature; for advertising governor's proclamation; for blank commissions of judges and coroners; for paper, quills, and sundries, as per bill, one hundred nineteen dollars, forty-eight cents and a quarter.

To Martin C. How, for two days' painting; for glass, setting the same, and other sundries, as per bill, twelve dollars, sixty-five cents and a half.

To J. R. Smith, for white lead, oil, &c., as per bill, two dollars twenty-five cents.

To S. B. Scattergood, for cleaning government house and attendance on legislature, the first day of this session; for procuring wood and coal, and breaking up and putting coal away, as per bill, ten dollars.

To William Grant, for boards and scantling, delivered to William Hyer, to repair government house, as per bill, four dollars, sixty cents.

To P. J. Gray, for publishing the public laws of the state, passed during the session of the last legislature, in the Trenton Union, as per bill, fifteen dollars.

To Charles Parker, for postage on letters; for expenses going to and from Philadelphia on business for the state; for other items, as per bill, forty-one dollars, seventy-eight cents.

To Richard L. Howell, for two cords of wood, delivered to Henry Wharton, for use of state house, as per bill, at six dollars per cord, twelve dollars.

Passed November 2, 1832.

RESOLUTIONS.

RESOLVED, *by the Council and Assembly*, That Jacob S. Smith be appointed to engross the bills and resolutions of both houses, during the present and future sittings of the legislature.

J. S. Smith.
appointed engrossing clerk.

Passed October 30, 1832.

RESOLVED (the house of assembly concurring therein), That the joint-committee appointed on that part of the late governor's message relating to the erection of a new state prison, be vested with power, in the interval of the sessions of the present legislature, to take such course to procure drafts and plans of a prison building, estimates of the costs of the same, and such other information appertaining to the subject, as they may deem expedient.

Powers of
state prison
committee
extended.

Passed November 1, 1832.

of the affairs of the company, exhibiting the amount of its stock, debts, and credits; the different kinds of pottery manufactured; the number of persons employed, and their respective compensations; and an account of the profit and loss: and that the stockholders may, if they think fit, at any general meeting, elect, by ballot, any five of their number for the purpose of examining into the state of the affairs of the said company, who shall have right of access and examination to and of all the books of the said company; and the said persons, or a majority of them, may at any time call a general meeting of the stockholders, giving like notice as is above directed to be given by a board of directors for the like purpose.

How transfers of stock to be made.

SEC. 9. *And be it enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose.

Capital not to be employed in banking.
May be repealed or modified.

SEC. 10. *And be it enacted*, That no part of the funds of this company shall be employed in banking operations, or for other purposes not plainly set forth by the provisions of this act; and the legislature of this state shall have authority, for just cause, at any time after the expiration of fifteen years, hereafter, to alter, amend, or repeal this act.

Passed January 18, 1833.

AN ACT appointing a commissioner to execute conveyances for certain lands, divided and set off by John Lydacker, junior, and Albert Lydacker, deceased, in the lifetime of the said Albert Lydacker, deceased.

Preamble.

WHEREAS John Lydacker, junior, Margaret Lydacker, widow of Albert Lydacker, deceased, Cornelius Harman, and Isaac Lydacker, sons of the said Albert Lydacker, deceased, have represented to this legislature, that John Lydacker, junior, and Albert Lydacker, deceased, made a joint purchase of a certain stone quarry lot, situate in the township of Harrington, county of Bergen, and state of New Jersey, adjoining the Hudson river and the Closter mountain, lying between the Palisado rock and the Hudson river, as appears by a map thereof, herewith produced.—AND WHEREAS the said John Lydacker, junior, and Albert Lydacker, deceased, did divide the said premises into five unequal parts, and mark out the same by metes and bounds, as appears by the map aforesaid, and did agree that John Lydacker, junior, should take, as his part of the said premises, lots number one, number three, and number five, and Albert Lydacker, deceased, should

receive the remaining lots, number two and number four, as his part of the same, as they were marked out by them, and as appears upon the said map.—AND WHEREAS Albert Lydacker has died since the division of the above mentioned premises, and before releases were given from each to the other, and the said John Lydacker, junior, is desirous to obtain a partition of the same, as expeditiously as possible, and as the said agreement cannot be carried into effect by the ordinary modes prescribed by law in other cases—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John H. Zabriskie, of the township of Harrington, county of Bergen, be, and he is hereby appointed and authorized to execute the said contracts, respectively, and to convey to the said John Lydacker, junior, by a good and sufficient deed of conveyance, in fee-simple, the said lots, number one, number three, and number five, set off to the said John Lydacker, junior, by partition aforesaid, upon his executing a release for the said lots, number two and number four, to the heirs at law of Albert Lydacker, deceased, subject to the right of dower of the widow of the said Albert Lydacker, deceased, therein.

J. H. Zabriskie authorized to convey certain lands of A. Lydacker, deceased.

SEC. 2. *And be it enacted*, That the said conveyances, when so made by the said John H. Zabriskie, shall be as good and effectual, in law, to convey the said premises to the said grantees, as if the said conveyances had been duly made and executed by the said John Lydacker, junior, and Albert Lydacker, deceased, during the lifetime of the said deceased.

Conveyances to be valid.

Passed January 22, 1833.

AN ACT for the relief of the heirs of William Darrah, deceased.

WHEREAS it is represented, and made to appear to the legislature of this state, that William Darrah, late of the county of Sussex, died intestate and seized of a considerable real estate in the said county of Sussex, and without sufficient personal estate to pay all his debts, and leaving Elizabeth Darrah, his widow, and Henry T. Darrah, Richard E. Darrah, and William Darrah, together with Emiline, Mary, and Rebecca, his children and heirs at law; which said Mary and Rebecca are minors, under the age of fourteen years, and the said Elizabeth has been duly appointed their guardian; and that the said real estate cannot advantage-

Preamble.

ously be divided between the said widow and heirs, nor jointly held by them consistently with the interest of the said minors; and that a part thereof is comparatively unproductive and decreasing in value, and that so much only as will be required to pay the debts of the said intestate, cannot be sold without prejudice to all parties concerned—Therefore,

Trustees appointed to sell certain real estate of William Darrah, deceased.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Henry T. Darrah and Richard E. Darrah be, and they, or the survivor of them, are hereby appointed trustees, with full power and authority to sell and convey the real estate whereof the said William Darrah died seized, or to which he may have had any right or title, at the time of his death, at such time and in such parcels as to them shall seem expedient, and shall be to the true interest of the parties concerned therein, and to make, execute, and deliver a good and sufficient deed or deeds of conveyance for the same; which said deed or deeds shall vest in the purchaser or purchasers, his or their heirs and assigns, for ever, all the estate, right, title, and interest which the said William Darrah, deceased, had of, in, and to the said premises, with the appurtenances, at the time of his death.

How proceeds to be disposed of.

SEC. 2. *And be it enacted*, That the said trustees shall, with the proceeds of such sale or sales, pay off all the just debts and demands against the said intestate; and, after deducting the expenses of the said sale or sales, together with such reasonable charges for their services as shall be allowed by the orphans' court of the said county of Sussex, shall distribute the surplus money among the said heirs, according to law: *Provided*, that nothing in this act shall be so construed as in any wise to affect the widow's right of dower in said lands, or any part thereof.

Widow's dower not to be affected.

Trustees to give bond to the governor.

SEC. 3. *And be it enacted*, That before the said trustees, or either of them, enter upon the trusts herein before created, they, or the survivor of them, shall execute, to the governor of this state for the time being, a bond, in such sum, and with such security, as the orphans' court of the said county shall direct and approve, conditioned faithfully and honestly to perform the duties, and discharge the trusts, herein before created and enjoined; and that the said trustees, or the survivor of them, shall, within one year after any such sale and conveyance under this act, make and exhibit, under oath or affirmation, to the surrogate of the said county of Sussex, to be duly kept and filed by him in his office, a true statement of such sale or sales, and of all the expenses thereof.

Account rendered to surrogate of Sussex.

Passed January 22, 1833.

AN ACT to dissolve the marriage contract between Joseph Snyder and Charlotte his wife.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract between Joseph Snyder, of the county of Hunterdon, and Charlotte his wife be, and the same is hereby declared to be dissolved.

Joseph Snyder and Charlotte Snyder divorced.

Passed January 22, 1833.

AN ACT to appoint trustees to sell certain lands therein named.

WHEREAS it appears to the legislature, that Beverly Beardslee, late of Hardyston, in the county of Sussex, died intestate, and seized of a considerable real estate in the said county of Sussex, which has, since his death, been divided among his children and heirs at law; and that the part set off to Getty Beardslee, one of the said children and heirs, consists of about forty-one acres of land, a part whereof is now unproductive and depreciating in value; and that the said Getty is deaf and dumb, and has not sufficient capacity to sell or dispose of the said premises—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Joshua D. A. Beardslee and James Perry, or the survivor of them, be, and they are hereby appointed, trustees of the said Getty Beardslee, with full power and authority to sell and convey the said lands and premises, being the share, part, or portion set off and assigned to her in the division of the real estate of the said Beverly Beardslee, deceased, and to execute and deliver, in due form of law, a good and sufficient deed or deeds for the same; which said deed or deeds shall vest in the purchaser or purchasers, his or their heirs and assigns for ever, all the estate, right, title, and interest whatsoever of the said Getty Beardslee of, in, and to the said premises and the appurtenances, and every part thereof.

Trustees authorized to sell lands of Getty Beardslee.

SEC. 2. *And be it enacted,* That before the said Joshua D. A. Beardslee and James Perry, or either of them, enter upon the trusts reposed in them by this act, they, or the survivor of them, shall enter into bond to the governor of this state, in such sum, and in such security, as the judges of the orphans' court of the county of Sussex shall approve, conditioned for the faithful performance of all the said trusts; which said bond shall be deposited in the office of the secretary of this state.

To give bond to the governor.

To account to
the surrogate
of Sussex.

To place mo-
neys at inter-
est.

SEC. 3. *And be it enacted,* That the said trustees, or the survivor of them, shall, within six months after the sale of the said lands and real estate, make and exhibit, under oath or affirmation, to the surrogate of the said county of Sussex, a true statement of amount of such sales, to be, by him, recorded and filed; and that the said trustees, after deducting from the amount of said sales such reasonable expenses and compensation as shall be allowed by the said orphans' court, shall place the same at interest, and apply the said interest, and such part of the principal as may be required for that purpose, for and towards the support and maintenance of the said Getty, during her life, and after her death pay over to her legal representatives whatever amount there may then be thereof.

Passed January 23, 1823.

AN ACT to authorize the sale of certain real estate in the county of Somerset.

Preamble.

WHEREAS, in the year eighteen hundred and twenty-three, Elsie, late the wife of Colonel Peter D. Vroom, deceased, died seized of a certain farm or plantation, situate in the township of Hillsborough, and county of Somerset aforesaid, which thereupon descended to her heirs at law;—**AND WHEREAS**, in consequence of the death of some of the said heirs, and the minority of some who are now entitled, but not as immediate heirs of the said decedent, no division can be made by agreement, nor can the orphans' court order a sale of the said property, although a present sale would be greatly for the benefit of all persons interested;—**AND WHEREAS** all those who are of age, and the guardian of those who are under age, have united in a petition that the legislature would authorize a sale—Now therefore,

Commission-
ers authorized
to sell certain
lands of E.
Vroom, dec.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Peter Z. Elmendorf and John W. Hall, of the county of Somerset, be, and they are hereby appointed commissioners, with full power and authority to sell the farm or plantation aforesaid at public sale, to the highest bidder, upon giving four weeks' notice of the time and place of said sale in four of the most public places in the said county, and also in one of the public newspapers circulating therein; and, upon making such sale, the said commissioners shall make report of the same to the orphans' court of the said county, at its next stated term, for confirmation; and, upon the said sale being confirmed,

shall make all necessary and proper conveyances to the purchaser or purchasers, under the direction of the said court; which said conveyances shall transfer to, and vest in, the purchaser or purchasers of said premises all the right and interest of the parties now having title thereto; and the said commissioners shall also render to the said court an account of the sale of said property, and, under its direction, make distribution of the proceeds among the said heirs at law, and those claiming under them, according to their respective rights.

To account to orphans' court of Somerset.

To distribute proceeds of sale.

SEC. 2. *And be it enacted,* That the said commissioners, before making such sale, shall give bond to the ordinary or surrogate general of the state, in such sum, and with such security, as the surrogate of the county of Somerset shall approve, conditioned for the faithful performance of the trust confided to them; which bond shall be filed in the office of the said surrogate, for the benefit of all persons concerned.

To give bond to the governor.

Passed January 23, 1833.

AN ACT for the relief of Ephraim Carll, of the county of Salem.

WHEREAS it has been made satisfactory to appear to the legislature of this state, that Ephraim Carll, of the county of Salem, has expended the sum of twenty-six dollars, in pursuing, apprehending, and bringing back, from the state of New York, a horse thief.—**AND WHEREAS** no part of the said sum of twenty-six dollars has been paid back, or in any wise refunded to the said Ephraim Carll;—**AND WHEREAS** the amount of moneys expended by the said Ephraim Carll is much less than would have been necessary, if an application had been made, according to law, to the executive of the state of New York, for the delivery of the said horse thief—**Therefore,**

Preamble.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state be, and he is hereby authorized and directed to pay to Ephraim Carll, of the county of Salem, or to his order, the sum of twenty-six dollars, to remunerate him for the amount of moneys actually expended by him in pursuing, apprehending, and bringing back a horse thief from the state of New York.

Treasurer directed to pay E. Carll, for apprehending horse thief.

Passed January 23, 1833.

AN ACT to dissolve the marriage contract between Catharine Van Middlesworth and Tunis Van Middlesworth.

T. Van Middlesworth and C. Van Middlesworth divorced.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract between Catharine Van Middlesworth and Tunis Van Middlesworth, of the county of Somerset, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony.

Passed January 23, 1833.

AN ACT to restore the charter, powers, and privileges of the Pennington Academy.

Charter restored.

Certain conveyances confirmed.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the charter, powers, and privileges of "the Pennington Academy," intended to be derived from an act of the legislature of this state, to incorporate societies for the promotion of learning, passed the twenty-seventh day of November, seventeen hundred and ninety-four, and the supplements thereto, passed on the sixth day of June, eighteen hundred and twenty, and on the twenty-seventh day of December, eighteen hundred and twenty-six, shall be considered as in progressive force and operation, notwithstanding any defects in its incorporation, or any want of election or elections of trustees annually, in the depressed state of its funds: and that its conveyances of real estate to the First Presbyterian Congregation of Hopewell, on the first of January, eighteen hundred and twenty, and the south half part of the academic lot, on the seventh of May, eighteen hundred and twenty-eight, to extinguish its debts, shall be valid and effectual.

Passed January 25, 1833.

AN ACT to provide for the management of certain meadows on Burlington creek.

WHEREAS the owners of the meadows adjoining to, and on both sides of Burlington creek, from Assiskunk creek to the river Delaware, have, by their petition to the legislature, set forth, that the act entitled, "An act to provide for the management of certain meadows on Burlington creek," passed February fifteenth, seventeen hundred and ninety-six, has been found, on experience, to require amendment, and have prayed a law to remedy the evils complained of—Therefore,

Preamble.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners of the meadows aforesaid, to support, keep up, and maintain all and every of the banks, dams, sluices, and floodgates heretofore erected, set, or placed, or which hereafter shall be judged necessary to be erected, set, or placed for the purpose of keeping the tide from overflowing, and for carrying the waters off the said meadows, and also to keep the natural watercourse of said creek, or large ditch, or canal, made, or hereafter to be made, in room of it, at all times open and clear, so as to give the tide water and back water a sufficient fall off said meadows: and it shall and may be lawful for the owners of said meadows, at their annual meeting, or at any other meeting, when summoned by order of the managers for the time being, as herein after directed, to order and direct so much money to be raised for the purposes aforesaid, as a majority of the owners so met may think necessary; and make an order in writing, signed by their clerk, setting forth the sum to be raised, and the time when the assessment shall be made and paid: *Provided*, that no meadow shall be assessed in pursuance of this law, but such as hath usually been assessed under former laws.

Powers vested in the owners of certain meadows on Burlington creek.

SEC. 2. *And be it enacted,* That it shall and may be lawful for the owners of said meadows to meet on the first Tuesday in March, at ten o'clock in the forenoon, yearly and every year—the first time, at the public house or inn at present kept by Samuel Rogers, in Burlington, and afterwards at such place as they shall adjourn to, and, by plurality of votes of the persons so met, elect three managers, one clerk, one assessor, and one collector, for the year ensuing such choice, and until others shall be chosen in their stead; and, until such election, Samuel R. Wetherill is appointed clerk; which clerk, and the clerk hereafter to be chosen, shall, at the expense of the owners, keep a book, and shall enter therein the names of all the owners of the meadows for the time being, and make fair entries of all their proceedings at their meetings, and all such other entries, from time to time, as may be necessary for the well

Election of managers, clerk, assessor, and collector.

Name of the
company.

ordering their affairs: and the said clerk shall give ten days' notice, by advertisements set up in three of the most public places in the city of Burlington, of the said first meeting of the owners of said meadows, to be called "the Burlington Meadow Company;" and like notice shall be given of their annual meeting, or any other meeting summoned by order of the managers for the time being, to raise money or other necessary business respecting the said meadows, for which he shall receive a reasonable compensation.

Duties of managers.

SEC. 3. *And be it enacted,* That it shall and may be lawful for the said managers and the managers hereafter chosen, or any two of them, and they are hereby enjoined, at all times hereafter, at the common expense of the said Burlington Meadow Company, to support, sustain, and keep in good and sufficient repair and order all and every the banks, dams, ditches, sluices, and floodgates already made and erected, or hereafter to be made and erected, and to make and erect such further and other banks, dams, ditches, drains, sluices, floodgates, and other waterworks, as they may judge necessary effectually to keep the tide out, and drain the water off from the meadows aforesaid; and shall keep the natural watercourse of said creek, or large ditch cut instead of it, or which shall or may be made and cut in the room of it, at all times open and clear, so as to give the tide water and back water a sufficient fall off and from the said meadows; and shall cause the said creek or canal to be scoured and cleansed, at some convenient time, between the months of April and November, in every year: and it shall and may be lawful for the said managers to enter into and upon all and every of the meadows of any person or persons belonging to the company, and inspect and examine the main creek or ditch aforesaid, or any ditches necessary to drain the said meadows; and, upon finding any obstructions whatever therein, or that any of them want cleansing, to clean the said creek or main ditch, at the general expense of the owners of said meadows as aforesaid, and to give notice to the owners and possessors, respectively, of such obstructions as are in the ditches and drains leading into the creek or main ditch aforesaid, within and against his, her, or their meadows, to cleanse the same, so that the water may pass freely by and through the same into the creek or main ditch aforesaid; and on the refusal or neglect of the said owners or possessors, for ten days, to remove such obstructions or cleanse such ditch or drain leading into the main ditch or creek aforesaid, or his, her, or their proportionable share, to enter into the premises of such person so refusing or neglecting, and clear and cleanse such ditches and drains leading into the creek or main ditch aforesaid, in such manner as they may judge proper to answer the purpose aforesaid, and bring his or their action of debt for the moneys which they shall have paid to ditchers and laborers for cleansing the same ditches and drains leading into the

May enter upon
meadows
of company
to inspect
ditches, &c.

May cleanse
ditches, and
remove ob-
structions,
where owners
neglect,

and recover
the expense
from owners.

creek or main ditch, and also at the rate of one dollar and fifty cents for every day they, or either of them, may be employed in directing and overseeing the laborers in such work, to be paid by the party so refusing or neglecting as aforesaid. **Managers' wages.**

SEC. 4. *And be it enacted,* That as often as the managers aforesaid shall find or judge it necessary to raise any sum or sums of money, to enable them to perform any duty enjoined on them in this act, it shall and may be lawful for them to order and appoint a meeting of the owners of the meadows or company aforesaid, at such time and place as they shall think proper, and direct the clerk to give notice accordingly. **Managers to call meeting of company.**

SEC. 5. *And be it enacted,* That the managers for the time being shall, yearly and every year, account to the owners of said meadows, at their annual meeting, or to a committee then or at any other meeting to be appointed, by producing fair accounts of all moneys by them received and expended by virtue of this act, and also, of their time and trouble in discharging their duty as managers, and, after deducting two and a half per centum, or at the rate of two dollars and fifty cents on every hundred dollars by them expended, and such other fees as a majority of the owners then met may judge their services deserve, shall deliver the balance in their hands, if any there be, to their successors, and if they or either of them shall refuse to account and pay the balance as aforesaid, the succeeding managers shall sue for and recover what appears to be in their hands, by action of debt or otherwise, in any court where the same is cognizable, with costs of suit. **To account to the company annually, or oftener.**

SEC. 6. *And be it enacted,* That the assessor shall forthwith assess the several sums so agreed to be raised, and the collector shall collect and pay the same to the managers, or either of them; the assessor shall receive two dollars and fifty cents for every such assessment, to be paid, by the collector, out of the common stock; and the said collector shall and may retain at the rate of two dollars and fifty cents on every hundred dollars, for collecting. **Pay over moneys to their successors.**

SEC. 7. *And be it enacted,* That if any of the owners or possessors of said meadows shall neglect or refuse to pay his, her, or their assessments for twenty days after the same shall be demanded by the collector, the said collector shall prosecute for the same, by action of debt, in any court where the same may be cognizable, with costs of suit. **Collector to pay moneys raised to managers.**

SEC. 8. *And be it enacted,* That if any of the owners of the said meadows shall not reside within this state, or have any person to represent them to pay the sum or sums of money assessed as aforesaid, or if any of the said owners, being residents of this state, cannot be arrested, or have not effects on which to levy sufficient to pay the assessment or assessments aforesaid, that then and in such case it shall and may be lawful for the said managers for the time being to rent out any of the said meadows belonging to the said owner, or the whole, **Assessor's and collector's compensation.**

On failure of owners to pay assessments, collector may prosecute.

When and how meadows may be leased to pay assessment.

if necessary, for such term or time as that the rent thereof will amount to a sum sufficient to pay the said assessment or assessments as aforesaid, and no longer.

Tenants may pay and recover from landlords.

SEC. 9. *And be it enacted*, That it shall and may be lawful for any tenant or tenants who shall or may be in possession of any part of said meadows, to bring in his, her, or their charges of money paid, and services done, pursuant to the direction of this act, and recover the same of his, her, or their landlord or landlords: *Provided always*, that nothing herein contained shall affect or alter contracts subsisting, or which may be made, between any landlord and tenant.

Certain ditches and drains declared to be lawful fences.

SEC. 10. *And be it enacted*, That all line ditches or drains of nine feet wide at the surface of the meadow, four feet and a half wide at the bottom, and three feet deep, and lying on a mud or miry bottom, shall be deemed and reputed, and the same are hereby declared, to be lawful fences, and shall be divided in the same manner, and made and maintained in the same proportion, as line fences are, by law, directed to be divided, made, and maintained; and the mud, earth, or rubbish shall be cast, as equally as may be, on each side, except the owners, by agreement, determine otherwise.

How vacancies of officers to be supplied.

SEC. 11. *And be it enacted*, That in case of the death or refusal of any of the officers to be hereafter appointed under this act, it shall and may be lawful for the managers to call a meeting of the company, at such time and place as they, or two of them, shall appoint, in the notice given for that purpose; and such of the company as shall meet in pursuance of the said notice, are hereby authorized to choose others to supply the place of the officer or officers so dying or refusing, until the next annual election, to be held by virtue of this act.

Penalty for neglect of duty by officers.

SEC. 12. *And be it enacted*, That if the managers, assessors, collectors, or clerks, or any of them, shall or do neglect his or their, or either of their duties, enjoined in this act, or shall refuse to take upon him or them the office or offices for which he or they may or shall be chosen, he or they so neglecting or refusing shall forfeit and pay the sum of thirty dollars, to be recovered by action of debt, with costs of suit, by any owner or owners of said meadows who shall or may sue for the same, to be applied to the use of the said company.

Company incorporated.

SEC. 13. *And be it enacted*, That the owners of the meadows aforesaid, and their successors, at all times hereafter, shall be distinguished and known by the name, style, and title of "the Burlington Meadow Company," and, by the same name, shall be able and capable, in law, to sue and be sued, implead and be impleaded, in any court of justice whatsoever, and to make and use one common seal, and the same to alter and renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of the said corporation, not contrary to the laws and constitution of this state

or of the United States, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well-being of the said corporation, and the due management and ordering the affairs thereof.

SEC. 14. *And be it enacted*, That it shall not be lawful for the corporation hereby created to assess and collect, from the meadow holders, any sum or sums of money more than is sufficient for the proper maintenance of the dam, sluices, ditches, and other improvements which may belong to said meadows: and it shall not be lawful for the said corporation to engage in banking operations, or in any other pursuit which is not plainly indicated in this act.

No money to be assessed but for purposes expressed.

Not to engage in banking.

SEC. 15. *And be it enacted*, That the act entitled, "An act to provide for the management of certain meadows on Burlington creek," passed February fifteenth, in the year of our Lord seventeen hundred and ninety-six, and all acts previously passed relating to or concerning said meadows, shall be, and the same are hereby repealed.

Former acts repealed.

Passed January 25, 1833.

AN ACT to authorize the chosen freeholders of the county of Cumberland to build a drawbridge over Cohansey creek, at the town of Bridgeton.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the board of chosen freeholders of the county of Cumberland be, and they are hereby authorized to build and maintain a good and sufficient bridge over Cohansey creek, at the town of Bridgeton, so as to connect with the street called Bridge or Main street, as laid out on the east and west sides of said creek, and as nearly on a line with said street as the ground and other circumstances will admit of, with a draw therein, to be at least twenty-four feet wide, and to be fixed in that part of said bridge where the vessels and boats may pass through with the greatest convenience.

Bridge to be built over Cohansey creek.

Width of draw.

SEC. 2. *And be it enacted*, That if any captain of a vessel or other person or persons shall open or hoist the draw of said bridge, and leave the same open or up, so as to prevent travelers and others from passing over the same for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, or any plank or planks belonging thereto, or a part of said bridge, draw, posts, or piles, or shall remove any

Penalty for leaving draw open or damaging bridge.

sonal estate, dated the twelfth day of April, one thousand eight hundred and thirty-two, did, among other things, order, devise, and direct all his real estate, consisting of a tract of land, situate in the township of East Windsor, in the county of Middlesex, containing about two hundred acres, to be equally divided among the four children of his daughter Rachel, wife of Doctor Ezekiel Wilson, and the six children of his deceased son, Anthony Carson, and his son Disbrow Carson, that is, Rachel's children to have one-third, Anthony's children another third, and Disbrow Carson the remaining third, to be disposed of as in said will is directed; and did thereby further order and direct the said Disbrow Carson, his executor therein named, and who has taken upon himself the burden of the execution of the duties of executor, to appoint three good, judicious, and disinterested freeholders to appraise, value, and divide his estate; both real and personal, in three equal parts, under the provisions of said will.—AND WHEREAS it appears that John T. McDowell, Allison Ely, junior, and John B. Mount, of the said county of Middlesex, have been duly appointed to perform the duties under said will—AND WHEREAS it appears that two several parcels of the farm held by the said Robert Carson, deceased, at the time of his death, belonged to Rachel Carson, his wife, in fee-simple, who died some time before him, together with the undivided third part of another tract, of about one hundred and fifty acres, situate in the said county of Middlesex; and that the said Robert Carson was only tenant by the curtesy thereof;—AND WHEREAS it further appears, that, at the time of the death of the said Rachel Carson, the said Rachel Wilson and Anthony Carson, then living, and Disbrow Carson were her children and heirs at law.—AND WHEREAS it further appears, that the same persons who take under the will of the said Robert Carson, deceased, are the same who inherit from Rachel Carson, deceased, his late wife, and in the same proportions, yet, owing to the peculiar location of the tracts of land thus devised and inherited, a division cannot be made without great prejudice to the interests of the parties, without legislative aid;—AND WHEREAS it further appearing that Disbrow Carson, Doctor Ezekiel Wilson, and Rachel, his wife, and Margaret Carson, widow of Anthony Carson, deceased, and guardian of the surviving children of the said Anthony Carson, deceased, who are all minors, have petitioned for legislative aid in the premises, and it appearing to be just and reasonable—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said John T. McDowell, Allison Ely, junior, and John B. Mount be, and they are hereby authorized and empowered to estimate, appraise, value, and divide the real

Commissioners to divide estate of Rachel Carson, deceased.

estate whereof the said Rachel Carson died seized, in the same manner, and in the same proportions, as though the same had belonged in fee-simple to the said Robert Carson, deceased, at the time of his death, and the same had passed by the devise and directions in said will in reference to his own lands, they, the above named commissioners, first taking an oath or affirmation, before a justice of the peace, that they will honestly, faithfully, fairly, and impartially execute and perform the duties of the trust hereby reposed in them.

SEC. 2. *And be it enacted*, That the above named commissioners shall, at the next orphans' court of the county of Middlesex after the execution of the duties hereby required of them, make their report in writing, showing the manner in which they have made their estimation, valuation, and division, and, upon the approval thereof by the said orphans' court, the same shall be filed and recorded upon the minutes of the said court, and shall be binding and conclusive upon the said Disbrow Carson, Doctor Ezekiel Wilson, and Rachel his wife, and their children, and upon the said Margaret Carson and the surviving children of the said Anthony Carson, deceased, as to their respective titles, interests, and estate in the real and personal estate of the said Robert Carson, deceased, devised and bequeathed in the said will, and of the real estate whereof the said Rachel Carson died seized as aforesaid.

To report to
the orphans'
court of Mid-
dlesex.

Passed January 28, 1833.

AN ACT to appoint a trustee for certain purposes therein named.

WHEREAS it appears that Benjamin Allegar, late of the township of Readington, in the county of Hunterdon, deceased, died intestate, leaving certain real estate, situate in the township and county aforesaid, which descended to his children, as heirs at law, to wit, Benjamin, Thomas, James, David, George, Cicely, Catharine, and Nancy, and two grandchildren, the children of his daughter Elizabeth, deceased.—AND WHEREAS it appears that his daughter Catharine did, some eight or ten years since, intermarry with one Elias Wilson, by whom she had two children, who are now living; and that the said Elias Wilson, five or six years since, left the state of New Jersey, and has not since returned, during which time his said wife and children have been dependent upon the charities of friends for their support.—AND WHEREAS it further appears, that commissioners for the sale of the real estate of said intestate have been appointed by the or-

Preamble.

orphans' court of the county of Hunterdon aforesaid—Therefore,

Proceeds of sales of lands vested in a trustee, for the use of Catharine Wilson.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the proceeds of the sale of the estate of the said intestate, as may be due and payable to the said Catharine Wilson, as one of the heirs at law of the said intestate, or to the said Elias Wilson, her husband, in right of his said wife Catharine, shall be vested in John Thompson, as trustee for the said Catharine and her two children, who shall pay to the said Catharine, from time to time, the interest of the same, and so much of the principal as he may deem expedient for the support of the said Catharine and her two children, and, at the death of the said Catharine, to pay over the balance of said fund to her said two children, or the survivor of them.

Trustee to account to orphans' court of Hunterdon.

SEC. 2. *And be it enacted,* That after the share of the said Catharine, or of her said husband, in her right, in the proceeds of the sale as aforesaid, shall have been ascertained, the said trustee shall account to the orphans' court of the county of Hunterdon, at the term next succeeding, for the same; and, after a fair and just allowance of all costs, charges, and expenses, made and allowed by said court, shall invest the balance of the same at interest, upon good and sufficient security.

To give bond.

SEC. 3. *And be it enacted,* That the said trustee shall, before he enters on the duties prescribed by this act, enter into bond to the governor of this state, with one sufficient security, to be approved by the surrogate of the county of Hunterdon, conditioned for the faithful performance of said trust.

Passed January 28, 1833.

AN ACT to authorize the sale of part of the real estate, late of Josiah Schenk, deceased.

Preamble.

WHEREAS it appears, that Josiah Schenk, late of the county of Somerset, deceased, died intestate, leaving certain real estate, situate in the county aforesaid, which descended to his nine children, his heirs at law, as tenants in common;—that Elizabeth Staats, wife of Henry Staats, and one of the heirs at law of said deceased, departed this life after the death of said deceased, leaving the said Henry, her husband, and seven children, three of whom are minors, her surviving, to whom her undivided share in the real estate of said Josiah Schenk descended, subject to a life-estate in her said hus-

band;—AND WHEREAS it appears to be for the interest of the said children that their undivided ninth part of the said real estate should be sold—Therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Henry Staats be, and he hereby is appointed a trustee, with full power and authority, to sell and dispose of the one equal undivided ninth part of the real estate of said Josiah Schenk, deceased, which descended to the said Elizabeth Staats, and, on her death, to her said minor children, at public sale, by giving public notice thereof, as by law is required of executors and administrators, for the best price that can be obtained for the same; and, after sale thereof, to make and execute a good and sufficient deed of conveyance to the purchaser or purchasers thereof, conveying all the title and interest of him, the said Henry Staats, and the children of the said Elizabeth Staats, in and to the said real estate.

H. Staats appointed a trustee to sell certain real estate.

SEC. 2. And be it enacted, That the said trustee, after making sale in manner aforesaid, shall account to the orphans' court of the county of Somerset, at the term next succeeding such sale, for the proceeds of said sale; and, after a fair and just allowance of all costs, charges, and expenses attending the sale, made and allowed by said court, shall invest the balance of said proceeds at interest, upon good and sufficient security, and shall be entitled to receive the interest thereon during his natural life, and, at his death, the principal to be divided between the said children, or their heirs, of the said Elizabeth Staats, deceased.

To account to the orphans' court of Somerset.

SEC. 3. And be it enacted, That the said trustee shall, before he enters on the duties prescribed by this act, enter into bond to the governor of this state, with two sufficient sureties, to be approved by the surrogate of the county of Somerset, conditioned for the faithful performance of said trust.

To give bond to the governor.

Passed January 29, 1833.

A Supplement to "An act concerning roads," passed the ninth of February, eighteen hundred and eighteen.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owner or owners of any land or meadow, over which a private or by-road may pass, to erect, make, and maintain bridges on all ditches and drains lying or running across said road.

Bridges may be made over drains on private roads.

Certain
bridges to be
considered
swinging-
gates.

Sec. 2. And be it enacted, That all bridges which are now made, or hereafter may be made, across or over ditches or drains in private and by-roads, lying on mud or miry bottom, with one or two doors or hoists, with at least three feet span, and made of such light materials as may be hoisted or lowered with facility, shall be taken and considered as swinging-gates; and all persons leaving such gates down or laid, or who shall cut, break, or destroy any such gate, bridge, or door, shall, for every such offence, forfeit two dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, and shall also pay the owner of the soil, or his tenant, all damages which he may have sustained thereby, to be appraised by three neighboring freeholders, or a majority of them; which damages, so assessed, shall be recovered by action of debt, with costs.

Part of former
act extended
to this.

Sec. 3. And be it enacted, That the twelfth section of the act to which this is a supplement, authorizing the erection of swinging-gates in private roads, is hereby extended to all by-roads.

Passed January 30, 1833.

AN ACT supplementary to an act entitled, "An act to incorporate the Clinton Manufacturing Company," passed February first, eighteen hundred and thirty.

Other lands
may be own-
ed by compa-
ny than spe-
cified in for-
mer act.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the real estate mentioned in the proviso of the first section of the act to which this is a supplement, to be purchased and holden by the corporation created by the said act, shall be not only such as was owned by the said William Jackson, at the time of the passing of said act, but such other lands and real estate in this state, as may be necessary for the purposes for which the said corporation was established.

Company
may com-
mence busi-
ness when
\$20,000 paid
in,

Sec. 2. And be it enacted, That it shall and may be lawful for the said corporation to commence their said business when and so soon as twenty thousand dollars of the capital stock thereof shall have been subscribed for and paid, or secured to be paid, instead of fifty thousand dollars, as mentioned in the second section of the act to which this is a supplement.

and choose di-
rectors.

Sec. 3. And be it enacted, That it shall be lawful for the commissioners named in the third section of the act to which this is a supplement, or a majority of them, to call the first meeting of the said company for the choice of directors, when the sum of twenty thousand dollars shall have been sub-

scribed, instead of fifty thousand dollars, as directed in the said third section of said act.

SEC. 4. *And be it enacted*, That so much of the act to which this is a supplement, as comes within the purview of this act, and inconsistent therewith, be, and the same is hereby repealed. Part of former act repealed.

Passed January 30, 1833.

AN ACT to incorporate the Paterson Button Manufactory.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Virgil Blackington, John Colt, Abraham Godwin, junior, Daniel Holsman, Francis Doremus, and such other persons as may be hereafter associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of "the Paterson Button Manufacturing Company," for the sole purpose of manufacturing gilt and other buttons, and generally all articles manufactured from metal, bone, or wood, and their several and various branches; and, by the same name, they and their successors and assigns shall have power and continue a body politic and corporate, and be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, goods, and chattels, of whatever kind or quality soever, necessary or useful for the said corporation to carry on their manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments which shall have been obtained for such debts: *Provided* always, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations; and the said Virgil Blackington, John Colt, Abraham Godwin, junior, Daniel Holsman, and Francis Doremus, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company. Style and objects of incorporation.

SEC. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, and one of whom to be chosen. May hold lands.

Proviso.

How directors and president to be chosen.

Directors appoint and remove subor- dinate offi- cers.	<p>president, who shall hold their offices for one year; and that the said directors shall be chosen at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers printed nearest the place where said election shall be held, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, either in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company; and the candidates having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendants, and assign such compensation, as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done, and may remove the same, and appoint others, at their pleasure; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors, officers, or superintendants, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.</p>
Vacancies, how supplied.	
Amount of capital stock.	<p>SEC. 3. <i>And be it enacted,</i> That the capital stock of said company shall not exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of fifteen thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorized to do, from time to time, to the amount herein before mentioned: and it shall be lawful for the directors of the said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice shall have been published for the space of twenty days, in one or more public newspapers published in or near the place where such payment shall be required to be made, and also in one or more newspapers published in the city of New York.</p>
Stock forfeit- ed on failure to pay install- ments.	
Stock to be deemed per- sonal estate.	<p>SEC. 4. <i>And be it enacted,</i> That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and be transferable in such manner as</p>

shall be prescribed by the by-laws of the said corporation: *Provided*, that no dividends shall be made to and among the stockholders except from and out of the profits of the said corporation

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that, pursuant to this act, it ought to be made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Corporation not dissolved on failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, and the disposition of the stock, effects, profits, and concerns of the said corporation: *Provided* the same are not contrary to the laws and constitution of the United States or of this state.

Majority of directors to transact business.

Proviso.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for the purpose.

Book open to inspection of stockholders.

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose: *Provided* at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be ipso facto trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors and survivor of them shall be trustees and trustee for the purpose aforesaid; and that stockholders owning one-fourth of the stock holden may, by giving notice in a newspaper published in Paterson for a fortnight, and one newspaper published in the city of New York a fortnight, call a public meeting of the stockholders, for the purpose of passing by-laws and ordinances for the election of directors; and that such by-laws and ordinances shall be binding until in like manner repealed or altered, in

How company may be dissolved.

Proviso.

case a majority of the stock is represented at such meeting, either in person or by proxy.

Limitation of act. **Sec. 9.** *And be it enacted,* That this act shall be and continue in full force for and during the term of thirty years from the passing thereof, and from thence to the end of the next session of the legislature, and no longer.

Passed January 30, 1833.

AN ACT empowering James Hodge, guardian of John Hodge, a lunatic, to sell real estate.

Preamble. **WHEREAS** James Hodge, guardian of John Hodge, a lunatic, has, by his petition, set forth, that the said John Hodge is the owner of about forty-one acres of land, situate in the township of Bridgewater, in the county of Somerset, and that the said John Hodge had, a short time previous to his lunacy, agreed to sell a part of the real estate of which he was the owner.—**AND WHEREAS** it is represented, that the said John Hodge has personal estate to the amount of about six hundred dollars; and that the interest of the personal estate, together with the profits of the lands, are not sufficient to support him;—**AND WHEREAS** it is represented to the legislature, that it would be greatly to the advantage of the lunatic's estate that the real estate, of which he is the owner, to be sold, if power be given therefor—Therefore,

James Hodge authorized to sell lands of John Hodge. **SEC. 1.** *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That ~~the~~ said James Hodge, guardian of the said John Hodge, be, a. ~~and~~ hereby authorized and empowered to grant, bargain, sell, and convey the lands, tenements, and real estate aforesaid of the said John Hodge, his ward, in fee-simple, and execute a deed or deeds therefor to the purchaser; which said deed or deeds shall be as good and effectual to grant, sell, convey, and assure the said lands, tenements, and real estate, and the hereditaments and appurtenances to the same, belonging to the purchaser or purchasers thereof, as if the said deed or deeds had been made by the said John Hodge at any time before his lunacy, or which he, the said John Hodge could, by any possibility, hereafter make, should he ever return to his right mind: *Provided*, that the said James Hodge shall give such further or other security for the faithful performance of his guardianship as aforesaid, to the governor of the state of New Jersey, as the orphans' court of the county of Somerset shall deem proper.

Proviso.

Passed January 30, 1833.

**AN ACT to incorporate the Delaware Fire Company of Bloomsbury,
Burlington county.**

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Benjamin Fish, John B. Abbott, Marturin Redway, Jacob B. James, Charles Skelton, Thomas N. Hamilton, William B. Howell, John Phares, John Sunderland, and all other persons, not exceeding fifty in number, who now are, or hereafter shall become members of the Delaware Fire Company of Bloomsbury, Burlington county, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "the Delaware Fire Company of Bloomsbury," and, by such name, they shall have succession, and be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation; and shall have full power and authority to make, form, and adopt such a form of constitution, and such by-laws and regulations, for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Style of incorporation.

Powers.

SEC. 2. *And be it enacted,* That the capital stock of the said company shall not exceed the sum of fifteen hundred dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire-hooks, engine houses, and other implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital stock, and how applied.

SEC. 3. *And be it enacted,* That the said company shall have power to elect, annually, a president, out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and, at the expiration of his term of office, shall deliver it over to his successor.

Officers to be elected.

SEC. 4. *And be it enacted,* That all the privileges and exemptions contained in an act entitled, "An act for the encouragement of fire companies," passed December fourteenth, eighteen hundred and twenty-six, be, and the same are hereby

Privileges and exemption of members.

extended to all persons who now are, or hereafter shall become and continue actual members of the said company.

Act may be amended or repealed.

SEC. 5. *And be it enacted*, That it shall and may be lawful for the council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

Passed January 31, 1833.

AN ACT to authorize the enclosure of a certain tract of woodland in the township of New Barbadoes, in the county of Bergen.

Certain lands authorized to be fenced in common.

Proviso.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of woodland situate near New Milford, in the township of New Barbadoes, in the county of Bergen, bounded on the east by the lands of John Cooper, Jacob Van Wagoner, Isaac Voorhis, and Nicholas Voorhis; south by lands of Isaac Voorhis and the road leading from the Old Bridge to Paramus; on the west by the lands of Nicholas H. Voorhis and the road leading from Old Bridge to Paramus; and on the north by the lands of Nicholas H. Voorhis and the road leading from New Milford to Paramus, to fence the same in common, and to erect and maintain such swing-gates as they may deem proper; and that from and after the enclosing the same as aforesaid, no person or persons whatsoever shall drive or let in any horses, cattle, or sheep, with intent to run at large in said tract: *Provided always*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning his horses, cattle, or sheep on such part of the said tract as may belong to him, and as may be kept enclosed by a sufficient and lawful fence separate from the remainder of the tract.

Penalty for injury to fences or enclosed grounds.

SEC. 2. *And be it enacted*, That if any person whatever shall drive or let in any horses, cattle, or sheep into the said tract, after the same shall have been enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down any part of the fence around the same, or any of the swing-gates thereon, he shall be liable to a penalty of ten dollars: and if any person or persons shall leave open any bars or swing-gates thereon, either negligently or wilfully, he shall be liable to the penalty of two dollars for each offence; any of which penalties may be sued for and recovered by the trustees herein after mentioned, or either

of them, in any court of competent jurisdiction in this state, in an action of debt; and the proceeds thereof, after paying the costs and expenses of suing for and recovering the same, shall be applied to making and repairing the fences and swing-gates around the said tract. How to be applied.

SEC. 3. *And be it enacted,* That if any horses, cattle, or sheep be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound in the township of New Barbadoes, leaving with the keeper of such pound an affidavit, that such horses, cattle, or sheep were found running at large on said tract; and it shall be the duty of such poundkeeper to receive and keep the horses, cattle, or sheep so delivered to him, until the owner thereof shall pay to him the costs and fees of impounding the same, together with damages, if any incurred; and such poundkeeper shall collect and receive the same in the same manner, and shall be entitled to the same fees, and be subject to the same penalties, and shall, in all matters, proceed as is directed by an act entitled, "An act regulating fences," passed January twenty-third, seventeen hundred and ninety-nine. Horses, &c., trespassing, may be impounded.

SEC. 4. *And be it enacted,* That all the owners of any part of the said tract shall meet on the first Tuesday of April next, at the house of John Cooper, esquire, near New Milford, in the township of New Barbadoes, and on the first Tuesday of April in each year thereafter, at such place as a majority of them shall direct, and shall proceed, at their first meeting, to value their respective lands, either separately or collectively; and in case they cannot agree among themselves as to the valuation thereof, they, or a majority of them, shall proceed to choose three disinterested freeholders, residents of the county of Bergen, who shall assess the value thereof, and whose judgment or award shall be binding and conclusive: and the owners of the said lands, or a majority of them, shall choose, from among themselves, two persons to be trustees of said lands, and shall hold their office for the term of one year, or until others shall be appointed in like manner in each year, at such place as a majority of them shall direct, and choose, from their own number, two trustees, to be elected by a majority of the owners present, who shall hold their office until their successors shall be appointed. Lands to be valued.

SEC. 5. *And be it enacted,* That the trustees elected as aforesaid, shall designate the line of the fence to be erected round the said tract, and shall assign, by marks and measurement, to each of the owners of the said tract, a part of the said fence to make and maintain, in proportion to the number of acres owned by him or her therein; and if after such assignment, and notice thereof, any of the said owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses from the person or persons Fence to be apportioned amongst the owners.

How to be maintained.

so refusing, and their legal representatives, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees to cause a lawful fence at all times to be kept up and maintained around the above said tract.

Partition fences, how to be maintained.

SEC. 6. *And be it enacted*, That when any person who now owns any part of the said tract of woodland, shall own lands adjoining thereto, which are now enclosed by a fence, such person or persons shall keep up and maintain a good and lawful fence between such lands and the above mentioned tract, at his or her sole and separate expense; and if any other person may or shall own enclosed lands adjoining said tract of woodland, the said trustees may compel them to maintain their share of the partition fence between said tract and such enclosed lands, in the same manner as the said trustees might, by law, if they were the lawful owners of the whole of the said tract of woodland, and shall, in all things, be entitled to the same remedies, and may proceed in the same manner against them, as if they were the lawful owners of the whole of the aforesaid tract of woodland.

Pay of trustees.

SEC. 7. *And be it enacted*, That each trustee shall be entitled to receive seventy-five cents per day for every day spent in the above mentioned duties, to be paid by the owners of the said tract, in proportion to their interest therein, and shall be assessed, by the said trustees, according to the aforesaid valuation; and shall make out a duplicate list of the amount assessed upon the property of each individual, who, upon refusing or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution before any court having competent jurisdiction of the same, in an action of debt, with costs of suit.

Recovery of assessments.

Passed January 31, 1833.

AN ACT to dissolve the marriage contract between Elizabeth Cooper and Benjamin Cooper.

E. Cooper and B. Cooper divorced.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Elizabeth Cooper and Benjamin Cooper, of the county of Gloucester, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony.

Passed February 1, 1833.

AN ACT for the relief of John Colt and Eliza his wife.

WHEREAS Elisha Boudinot, late of Newark, in the county of **Preamble.**

Essex, deceased, in and by his last will and testament, bearing date the tenth day of June, one thousand eight hundred and nineteen, did give and devise unto Elias Boudinot, Richard Stockton, Stephen N. Bayard, and Elias E. Boudinot, esquires, the executors and trustees in his said will named, two certain lots of land, situated in Newark aforesaid, and bounded north by a lot sold to Henry Holden, east by Mulberry street, south by Smith street, and west by Division street, to be held by the said trustees, and the survivor of them, in fee-simple, in trust, nevertheless, for the use of Eliza P. Colt, one of the devisees and legatees of the said will, as is in the said will particularly set forth.—AND WHEREAS an undivided share of certain other lots of land, about the town of Newark, was also devised to the said trustees, and the survivor of them, in trust, for the like use of the said Eliza P. Colt; which said lots of land have been divided pursuant to the directions of the will, and the share devised for the use of the said Eliza P. Colt is now held and enjoyed in severalty—AND WHEREAS the said Elias E. Boudinot is now the only surviving executor and trustee of the said will, and it is represented to the legislature, that it is expedient and beneficial for the purposes of the trust that the said lots of land so held, as aforesaid, in trust for the said Eliza P. Colt, should be sold and converted into money, which should be held upon the like trusts; but that the said surviving executor and trustee is not empowered, by the will, to make sale thereof, and John Colt and the said Eliza P. Colt, his wife, have prayed the aid of the legislature in the premises—

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Elias E. Boudinot, surviving trustee, as aforesaid, be, and he is hereby authorized to sell and convey, **Trustee authorized to sell lands for Eliza P. Colt.** in fee-simple, the said several lots of land herein before mentioned and held in severalty, in trust for the said Eliza P. Colt, under and by virtue of the will of the said Elisha Boudinot: *Provided*, that the consent of the said John Colt and Eliza P. Colt to the said sale shall be endorsed on the deed or deeds of conveyance for the same, and shall be subscribed by them: *And provided*, the said deed or deeds of conveyance shall vest in the purchaser or purchasers, only, such right, title, and interest as the said Elisha Boudinot was seized of at the time of his death.

SEC. 2. *And be it enacted*, That the said Elias E. Boudinot shall place the moneys arising from the said sales at interest, **How proceeds to be disposed of.** in such manner as shall render the same most secure and pro-

ductive, and shall hold the same, and dispose of the proceeds thereof, or permit the same to be disposed of, upon the like trusts, terms, and conditions, and in the same manner as the other trust funds held for the use of the said Eliza P. Colt are, by the said will of the said Elisha Boudinot, directed to be held, used, and disposed of.

Passed February 1, 1833.

AN ACT to authorize a trustee, therein named, to sell real estate in the city of Burlington.

Preamble.

WHEREAS Horace Binney, of the city of Philadelphia, by deed, dated November sixth, eighteen hundred and twenty-six, did grant and convey to Mary Binney a certain dwelling house and four lots of ground in the city of Burlington, particularly described in the said deed, in trust for the sole and separate use of Susan Wallace, wife of John B. Wallace and sister of him the said Horace, during her natural life, and, after her death, to the use of her two daughters, Susan Bradford Wallace and Mary Binney Wallace, in case they survived her; and in case either of them died in the lifetime of their mother, leaving children, to the use of the survivor and such children; and in case of the death of both of them without children, living their said mother, to the use of John William Wallace and Horace Binney Wallace; which said property the said Mary Binney, by deed dated the same day and year endorsed on the other, reconveyed to the said Horace Binney on the same trusts, as by the said deeds of conveyance, recorded in the clerk's office for the county of Burlington, in the book T 2 of Deeds, page 422, &c., will more fully and particularly appear.—AND WHEREAS, from the present circumstances of the said property, and the cestui que trusts thereof, it would be for their benefit that the said property should be sold, and the proceeds thereof invested in other property, to be holden on the same trusts—AND WHEREAS the above named Susan Wallace, Susan B. Wallace, and Mary B. Wallace, the persons immediately interested in the said property, and who, according to the ordinary calculations of human life, are to be benefited by the said trusts, have, by their petition to the legislature, set forth the above stated facts, and expressed their desire to have the said property sold accordingly; and the said Horace Binney, the grantor of the said property and founder of the said trusts, has expressed his assent thereto, but because

there may possibly arise contingent interests, by the death of the said Susan B. Wallace or of the said Mary B. Wallace, during the life of their said mother, leaving children, or by the death of them both in the life of their said mother, living their said brothers, or by the death of them both in the life of their said mother, living their said brothers, which contingent interests would not be barred by any conveyance that can now be made by the parties interested, without legislative aid; but which contingent interests, should they ever come into being, will be benefited by the sale of the said property, and the investing of the proceeds as aforesaid—In order, therefore, to effectuate the objects aforesaid,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Horace Binney, the trustee of the property aforesaid, be, and he hereby is authorized and empowered to grant, bargain, and sell the said messuage and lots in the city of Burlington, in the said deed of the sixth of November, eighteen hundred and twenty-six, described and set forth, or any part or parts thereof, and to convey the same to the purchaser and purchasers thereof in fee-simple, or for such other estate as he may grant therein, freed and discharged from, and divested of, any contingent interests or estates which may or might possibly come into being or operation under and by virtue of the deed aforesaid, and to give to the purchaser or purchasers full and sufficient receipts, acquittances, and discharges for the consideration money thereof; and the said purchaser and purchasers thereof shall hold the same, or the parts and parcels thereof purchased by them, in fee-simple, or for such other estate as they may purchase therein, freed, discharged, and divested of and from all and every such contingent interests or estates as aforesaid: and it shall be the duty of the said Horace Binney to invest the proceeds arising from the sale of the said property in some productive fund, or in other real estate, upon the same trusts upon which the said property is now holden.

Trustee authorized to sell lands conveyed to Horace Binney in trust.

To vest proceeds upon same trusts.

Passed February 1, 1833.

AN ACT to incorporate the Resolution Fire Company of Princeton.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Charles M. Campbell, James Powell, John L. Thompson, David N. Bogart, William R. Murphy, Abraham Stryker, John Scudder, Charles G. Hollingshead, and William

Style of incorporation.

Joline, and all such other persons as are, or hereafter shall become associates of the Resolution Fire Company of Princeton, be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "the Resolution Fire Engine Company of Princeton."

Powers.

SEC. 2. *And be it enacted*, That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors, respectively, may have and use a common seal, and have power to make, change, and alter the same at pleasure, and, by their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, or the provisions of this act, as they shall think proper.

Amount of capital stock.

SEC. 3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing, and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of the citizens of Princeton from injury or destruction by fire.

Officers to be elected.

SEC. 4. *And be it enacted*, That the said company shall have power to elect, annually, a president, vice-president, a secretary and a treasurer, from their own body, and such other officers and assistants as they shall find necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and, at the expiration of his term of office, shall deliver it over to his successor.

Act may be amended or repealed.

SEC. 5. *And be it enacted*, That it shall be lawful for the council and general assembly of this state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper.

Passed February 1, 1833.

AN ACT to repeal the fifth section of an act entitled, "A further supplement to an act entitled, an act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in repair," passed the seventh day of March, one thousand eight hundred and thirty-two.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the fifth section of an act, passed the seventh day of March, one thousand eight hundred and thirty-two, entitled, "A further supplement to an act entitled, an act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in repair," be, and the same is hereby repealed.

Fifth section
of former act
repealed.

Passed February 2, 1833.

AN ACT to incorporate the Passaic Turnpike Company.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Caleb M. Godwin, John B. Roe, John Vail, Ezekiel Miller, and Evert H. Vanness, or a majority of them, be authorized, as commissioners, to receive subscriptions for erecting a turnpike road, not exceeding four rods wide, in the county of Essex, from Paterson to the Little Falls, and, for that purpose, that they open books, at such times and places as they may think proper, giving notice thereof in one of the papers printed in the town of Paterson, at least four weeks before the time of opening the same.

Commissioners to receive
subscriptions
for stock.

SEC. 2. *And be it enacted,* That such subscription shall consist of six hundred shares, of twenty dollars each, and that two dollars on each share shall be paid to the commissioners at the time of subscribing, and the residue shall be paid by the subscribers, their executors, administrators, or assigns to the said company, by such installments as the president and directors shall order and appoint: *Provided,* that no installment to be called shall exceed the sum of five dollars on each share, and that four weeks' notice of the time of payment shall be given, by advertisement in one of the papers printed in the town of Paterson; and that as soon as two hundred shares of said stock shall be subscribed, it shall be lawful for said commissioners to call a meeting of said stockholders, to be holden at such time,

Amount of
capital.

How install-
ments are to
be paid.

President and directors to be chosen.

Name of the company.

Location of turnpike.

Map to be filed.

Company may enter upon lands.

Proviso.

How materials to be obtained.

and place, in the town of Paterson, as they may appoint, giving four weeks' notice thereof in one of the papers printed in the town of Paterson, to choose a president and six directors, any four of whom shall constitute a board for the transaction of business, and shall continue in office until the first Tuesday of December next, and until others shall be chosen: and also, that on the first Tuesday in December annually thereafter, there shall be an election of said officers for one year, and until others shall be chosen, at such place as the said directors may have appointed; and that each stockholder may vote in person or by proxy, and shall have as many votes as he or she shall have shares of stock; and that said company shall be called "the Passaic Turnpike Company," and shall have all the powers and privileges incident to a body politic and corporate, for the purposes herein mentioned, for the term of ninety-nine years.

SEC. 3. *And be it enacted,* That it shall be lawful for said company to survey, lay out, and locate said turnpike road from the town of Paterson to the Little Falls, in the county of Essex, not exceeding four rods wide, having due regard to the situation and nature of the ground, and the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least injury to private property; and the said road shall not pass through any burying grounds or places of public worship, nor any dwelling house, without the consent of the owner thereof, nor through any out-building of the value of three hundred dollars, without such consent; and within six months after said survey and location shall have been completed, the said company shall cause an accurate map and survey of said route to be filed in the office of the secretary of state, which survey, or a certified copy thereof, shall be conclusive evidence of the location and course of said road.

SEC. 4. *And be it enacted,* That, for the purpose of making said survey and location, it shall be lawful for the said company, by their agents, to enter upon all lands, doing no unnecessary damage to the same; and as soon as the route of said road shall have been definitely located, and the said map and survey thereof filed in the secretary's office, as aforesaid, then it shall be lawful for said company to proceed and form the said road: *Provided however,* that they shall not enter upon any lands, for the purpose of making said road, until they shall have agreed with the owners thereof, or acquired a title to the same, as herein after directed.

SEC. 5. *And be it enacted,* That it shall be lawful for said company, their agents and workmen, to enter upon any lands near the route of said road, for the purpose of searching for and procuring stone, gravel, or other materials for making said road, but no stone, gravel, or other materials shall be removed from said land without the consent of the owner thereof, until compensation for the same be ascertained and paid, in the man-

ner herein after prescribed as to the compensation for lands over which said road may be laid.

SEC. 6. *And be it enacted,* That if any of the owners of land through which said road shall pass, cannot agree with the said company for the land taken for said road, or for materials taken, as specified in the fifth section of this act, or if the owner be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for one of the justices of the supreme court, upon application of either party, and at the cost and charges of said company, to direct a special jury of freeholders of any township in said county of Essex through which the said road shall not run, to be struck before such justice, in the manner in which special juries are usually struck, who shall inquire into the value of said land taken for said road, and the damages sustained by the owners thereof; and shall make an inquisition thereof, under their hands and seals, to be returned to the supreme court by the sheriff of the said county in which the said inquisition is taken; and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries; and, upon the coming in and confirmation of said report and inquisition, and upon the said company's paying to the owners, respectively, the sums in such report and inquisition stated, the said company shall become seized in the same estate in the said lands which the said owners respectively held in the same, and be acquitted and discharged from all responsibility on account of any damages done by laying and making said road.

Proceedings
on disagree-
ment of com-
pany with
owners of
lands.

SEC. 7. *And be it enacted,* That as soon as said road shall be finished from Paterson to the Little Falls, then it shall be lawful for said company to erect gates and turnpikes across the same, and to demand and receive toll at the said gates for travelling each mile on said road, after the following rates, to wit:

For every horse and rider, or led horse or mule,	half cent.	Rates of tolls.
“ every carriage or vehicle drawn by one beast,	one cent.	
“ every additional beast,	one cent.	

Provided, that no gate or turnpike shall be erected or kept on any part of the highway which has heretofore been used as such, nor shall said company be entitled to demand or receive toll from any person passing to or from public worship on the sabbath day, or for any person or persons going to or from his or her farm on their ordinary business, or attending a funeral, or militia training.

Proviso.

SEC. 8. *And be it enacted,* That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than by this act is established, he shall, for every such offence, forfeit and pay to the person so hindered or defrauded the sum of twenty dollars, to be recovered in an action of debt, with costs of suit, before any justice of the peace of the county of Essex.

Penalties for
tollgatherer
delaying pas-
sengers, &c.

Stock to be
deemed per-
sonal estate.

When turn-
pike to be fin-
ished.

Keep to the
right.

Accounts to
be kept, and
dividends
made.

SEC. 9. *And be it enacted*, That the said stock shall be taken, deemed, and considered personal property, and be transferred in such manner as the said directors may appoint: *Provided*, that if the said company shall not commence their operations within two years from the passing of this act, and finish the same within four years, according to the true intent and meaning of this act, then, and in either of these cases, this act shall cease and be void.

SEC. 10. *And be it enacted*, That all persons using and travelling on said road, shall keep on the right in the passing direction, leaving the other side of the road clear and open for others to pass.

SEC. 11. *And be it enacted*, That the said president and directors shall keep a just and true account of the costs of said road, and of all current repairs thereof, and also of all expenses of said company and all receipts of said road, and shall declare a dividend of the net income or clear profits thereof once a year, or at such time as the president and directors may direct.

Passed February 2, 1833.

AN ACT to regulate the fishing with seines in Barnegat Bay, north of Barnegat Inlet, in the county of Monmouth.

Ice not to be
broken to
haul seine.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person or persons to cut through or break through the ice in Barnegat Bay, north of Barnegat Inlet, (while the said bay, north of Barnegat Inlet, shall be frozen over) for the purpose of hauling any seine or seines under the ice in said bay.

Length of
seines pre-
scribed.

SEC. 2. *And be it enacted*, That it shall not be lawful for any person or persons to fish with, or haul any seine or seines in said bay, north of Barnegat Inlet, the length of which said seine or seines, either singly or united together, shall exceed one hundred and thirty fathoms, or the hauling ropes to the wings of which said seine or seines shall, respectively, exceed two hundred and fifty fathoms each.

Penalties,
and how ap-
plied.

SEC. 3. *And be it enacted*, That all and every person or persons who shall offend against the provisions of this act, shall forfeit and pay the sum of fifty dollars for each and every offence, to be recovered, by action of debt, before any justice of the peace of said county, with costs of suit, to be paid one half

to the collector of the county, for the use of the poor thereof, and the other half to the person or persons who shall sue for and prosecute the same to effect.

Passed February 2, 1833.

AN ACT to authorize the board of chosen freeholders of the county of Burlington to erect a bridge over Pennshawkin creek.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the board of chosen freeholders of the county of Burlington be, and they are hereby authorized to erect, at their discretion, a bridge over the North Branch of Pennshawkin creek, in the township of Chester, in said county, about six rods below the main stopping of the tide water of said creek, so that it may correspond with a public road, which has been lately laid out, leading to the Poplar Landing, on the South Branch of said Pennshawkin creek, in the said township of Chester.

Bridge to be
built over
Pennshawk-
in creek.

Passed February 2, 1833.

AN ACT to dissolve the marriage contract between James Clayton and Elizabeth his wife.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract now existing between James Clayton and Elizabeth his wife, of the county of Monmouth, be, and the same is hereby dissolved, in as full and perfect a manner as if they never had been joined in the bands of matrimony.

James Clay-
ton and Eli-
zabeth Clay-
ton divorced.

Passed February 4, 1833.

AN ACT for the settlement of the territorial limits and jurisdiction between the states of New Jersey and New York.

Preamble.

WHEREAS the legislature of the state of New York have recently passed a law authorizing the governor of that state to appoint commissioners to meet commissioners on the part of this state, to negotiate and agree respecting the territorial limits and jurisdiction of the state of New Jersey and the state of New York.—AND WHEREAS it is expedient and desirable that the difference heretofore existing on this subject should be amicably and speedily adjusted—Therefore,

Governor authorized to appoint commissioners.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the governor of this state, or the person administering the government of the same, be, and he is hereby authorized to appoint three commissioners, with full power, on the part of New Jersey, to meet commissioners, appointed or to be appointed under or by virtue of a law of New York, passed January the eighteenth, eighteen hundred and thirty-three, and with them to negotiate and agree respecting the territorial limits and jurisdiction between the said states, as to them may seem just; and if, by death, resignation, or otherwise, a vacancy do happen among those appointed by the state of New Jersey, the governor, or person administering the government of this state, is hereby authorized to supply the same.

Powers and duties of commissioners.

SEC. 2. *And be it enacted,* That the said commissioners on the part of the state of New Jersey, or a major part of them, shall have full power and authority to agree upon, settle, and determine the limits of territory and jurisdiction between the said states, as to them may seem just; and their agreement in the premises, in writing, signed and sealed by the said commissioners of both states, or a majority of them, respectively, if made on or before the first Tuesday of January next, shall become binding on this state, when confirmed by the respective legislatures of New Jersey and New York and approved by congress.

Pay and mileage.

SEC. 3. *And be it enacted,* That the said commissioners shall meet at such time and place as they may agree upon, and shall each be entitled to receive five dollars per day, for every day they may be employed in discharging their duties under this act, and fifteen cents per mile for every mile they shall necessarily travel in going to, and returning from, any meeting of the said commissioners, to be paid by the treasurer, on the warrant of the governor or person administering the government of this state.

Act to be sent to governor of N. York.

SEC. 4. *And be it enacted,* That the governor or person administering the government of this state, shall transmit to the governor of the state of New York a copy of this act.

Passed February 6, 1833.

AN ACT supplementary to "An act for manufacturing and other purposes."

WHEREAS certain stockholders of "the Society for Establishing Useful Manufactures," owning two thousand two hundred and six shares of the stock of the said society, out of the whole number of two thousand two hundred and sixty-nine shares, have prayed that the number of directors to manage the concerns of that institution may be reduced to seven—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That at every election of directors of the said society hereafter to be held, there shall be chosen, by ballot, seven directors, to manage the affairs of the said society, and that any four of said directors, the governor, or, in his absence, the deputy governor being one, shall be a legal board for the transaction of business, and that so much of the original act of incorporation, or supplement thereto, as comes within the purview of this act shall be, and the same is hereby repealed.

Seven directors to be chosen, four of whom, in certain cases, a legal board.

SEC. 2. *And be it enacted,* That this supplement shall be taken and considered as a public act.

Public act.

Passed February 6, 1833.

AN ACT to divide the township of Newark, in the county of Essex, into wards or districts, and for other purposes.

WHEREAS the inhabitants of the township of Newark, in the county of Essex, have become so numerous that it is impracticable for them to meet and transact the township business, at their annual and other town meetings, with convenience and good order in one assembly—For remedy thereof,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the township of Newark, in the county of Essex, shall be, and the same is hereby divided into four wards, in the following manner, that is to say:—All that part of the said township lying north of a line beginning at the Passaic river, at a point opposite the middle of the street now called Centre street, and which leads from the east corner of the Military Commons to the new wharf, called Centre Wharf; and from

Township of Newark divided into four wards.

Boundaries of North Ward.

such point or place of beginning, running up and along the middle of said street, until it intersects the eastern branch of Broad street, which runs along the east side of the Military Commons; and thence, running in a straight line across the said Commons, to the middle of New street, where the same intersects Broad street; thence, along the middle of New street, to Washington street; and from thence, continuing the same course or line last aforesaid, until it intersects the division line between the township of Newark and the township of Orange, shall constitute the North Ward of the township of Newark aforesaid.

Boundaries of South Ward. SEC. 2. *And be it enacted,* That all that part of the said township of Newark, lying south of a line commencing at such a point in the division line between the townships of Newark and Orange, as would be intersected by the continuation of a line running through the middle of William street to the said division line; and, from such point or place of beginning, to run, in a straight line, to the middle of William street, where the same intersects the Springfield turnpike; and from thence, through William street, the several courses thereof, to Broad street; thence, in a direct line, to the middle of Fair street, where it intersects Broad street; thence, along the middle of Fair street, to Mulberry street; and from thence, continuing the same course or line last aforesaid, until it intersects the Passaic river or Newark Bay, shall constitute the South Ward or district of the said township of Newark.

Boundaries of West Ward. SEC. 3. *And be it enacted,* That so much of the remainder of the said township of Newark as lies west of a line running along the middle of Broad street, and extending from the line which constitutes the north boundary of the South Ward, where it crosses Broad street, to the liberty pole, standing on the south point or corner of the Military Commons; and from thence, running up the middle of said Commons, until it intersects the line which constitutes the south boundary of the North Ward, where it crosses the said Commons, shall constitute the West Ward of the said township of Newark.

Boundaries of East Ward. SEC. 4. *And be it enacted,* That all that part of the said township of Newark which is not included in the North, South, and West Wards, or in either of them, as the same are herein before bounded and described, and which remaining part lies east of the line prescribed in the last preceding section as constituting the east boundary of the West Ward, shall constitute the East Ward of the said township of Newark: *Provided always,* that if any of the division lines aforesaid shall intersect any dwelling house, such house shall be considered as included in and belonging to the ward in which the largest portion of such dwelling house shall happen to lie.

Proviso.

Persons qualified to vote at town meet- SEC. 5. *And be it enacted,* That the inhabitants of the township of Newark, who by law now are, or may be qualified and entitled to vote at townmeetings, shall meet in the wards within

which they respectively reside, on the second Monday in April next, at ten o'clock in the forenoon of that day, at such place within the said wards as the township committee for the time being shall appoint, and of which they shall cause notices to be put up in at least three of the most public places in each ward, for at least two weeks previous to the time for meeting, and by causing the same to be published in one or more of the newspapers published in the said town of Newark, at least one week previous to such meetings; and the said inhabitants, when so assembled in their respective wards, or such of them as shall be present at the time and place of meeting, shall proceed to organize the meeting, by choosing a moderator thereof, and a clerk of the ward; which officers may be chosen viva voce or by ballot, as a majority of the voters present may determine, and, when so chosen, shall perform all the duties, exercise all the authority, and be subject to the same penalties, as moderators and clerks of township meetings are required or authorized to do and perform, or subjected to, by the laws of this state, except so far as shall be otherwise directed and provided for in this act: and the said meetings, when so organized, may adjourn to any other place, within their respective wards or districts, for the transaction of business; may meet, from time to time, upon their own adjournments, and may do and transact all such matters and things as may lawfully be done at annual township meetings, except so far as shall be otherwise directed and provided for in this act.

ings, to meet in their respective wards,

and transact business usually done in town meetings.

Sec. 6. And be it enacted, That the inhabitants of the said wards shall meet annually, on the second Monday in April, at such place within their respective wards, and at such hour as shall have been agreed upon at the preceding annual ward meetings, for the transaction of such business as, under this act and the laws of this state, shall appertain to such meetings to be done: *Provided nevertheless*, that if, at any annual meeting, a place shall be designated and agreed upon for holding the ward meetings, all subsequent meetings shall be held at such place, until another place shall be fixed upon at an annual meeting.

Time and place of ward meetings.

Proviso.

Sec. 7. And be it enacted, That at the first, and at each subsequent annual meeting, to be held in the said wards, there shall be elected, by ballot, the following officers, that is to say: one fire warden, whose powers and duties may be, from time to time, prescribed by a by-law or ordinance of the ward meeting; one or more constables, who, when chosen, shall give bonds, with securities, as is now required by law of other constables, and shall be considered constables of the township of Newark, bound to perform all the duties, entitled to the same compensation, and liable to all the penalties which by law are now, or may be required of, allowed to, or imposed upon the constables of the several townships in this state; also, two or more overseers of the highways, one or more overseers of the

Officers to be chosen at ward meetings.

poor, and one or more pound masters; each of which officers, when thus chosen, shall perform the same services within their respective wards, and be subject to the same duties and penalties, as the overseers of the highways, the overseers of the poor, and the pound masters of the township of Newark are or may be by law required to perform, or made subject to, except so far as shall be otherwise directed or provided for by this act.

Judge and
inspectors of
elections.

SEC. 8. *And be it enacted*, That each of the said wards, at their annual meetings, shall elect, by ballot, one judge and two inspectors of elections, who shall preside at and conduct the next succeeding ward elections for ward and township officers, and such other elections as, by this act, shall be directed to be held in the said wards.

Mode of ap-
pointing cer-
tain township
officers in
each ward.

SEC. 9. *And be it enacted*, That the inhabitants of the said wards, at their respective meetings to be held on the second Monday in April next, and every annual meeting thereafter, shall elect, by ballot, two persons to be members of the township committee; which committee, in the said township of Newark, after the second Monday in April next, shall consist of eight members, instead of five, as now required by law; and one person to be street commissioner, and one person to be commissioner of appeals, so that after the second Monday in April next, there may be four street commissioners and four commissioners of appeals in the said township of Newark, instead of three of each, as now required by law: and the said inhabitants, at their said meetings respectively, shall, in like manner, elect one assessor, who shall assess, and one collector, who shall collect, all taxes that may be lawfully assessed and raised within their respective wards; which collectors and assessors shall, within their respective wards, perform the same duties, be entitled to the same compensation, and subject to the same penalties, as are or may be by law required of, provided for, and imposed upon the assessors and collectors of the several townships in this state, except so far as is otherwise directed or provided for by this act; and the collectors to be chosen in pursuance of this act shall pay over the moneys by them collected to the township treasurer, if any shall be appointed, when required by the township committee so to do; and if no such treasurer shall be appointed, then the said ward collectors shall disburse and account for all moneys collected by them, as the law directs; and each of the said collectors shall annually give bond, with security, for the faithful performance of his duties, as township collectors are or may be required to do.

Mode of elect-
ing chosen
freeholders,
surveyors of
highways,

SEC. 10. *And be it enacted*, That on the second Monday in April next, and annually on the same day thereafter, an election shall be held in each of the said wards, by ballot, for two chosen freeholders, two surveyors of the highways, and five school committeemen, for the said township of Newark; that

the number of votes given at each ward meeting for such freeholders, surveyors, and school committeemen, shall be canvassed by the judge and inspectors of elections of the respective wards; and the result of such election shall, within two days thereafter, be certified by them to the town committee, which committee shall add up and count all the votes that have been given in the several wards for the said officers; and shall thereupon ascertain and declare who have been elected, by the greatest number of votes, chosen freeholders, surveyors of the highways, and school committeemen, for the township of Newark, for the year then next ensuing, and cause notice thereof to be given in one or more of the newspapers published in the said town: and in case any vacancy or vacancies shall happen, by the resignation, death, removal, or other disqualification to act of any of the officers mentioned and provided for in this and in the last preceding section of this act, the township committee may, if they think proper, order a new election to be held in the several wards, or in the ward in which such vacancy has taken place, giving at least ten days' notice of the time of holding such election or elections.

and school committee of the township.

Sec. 11. *And be it enacted,* That for the orderly conducting of such elections, as aforesaid, at the ward meetings to be held on the second Monday in April next, the said ward meetings, immediately after the appointment of a moderator and clerk, shall proceed to appoint, upon the nomination of the moderator, or otherwise as the meeting shall direct, three persons to be inspectors of the elections to be held at that meeting, who shall thereupon, at such hour of that day as the meeting shall appoint, and, at the place of holding such ward meeting, open an election for all such officers as aforesaid, and receive the ballots of every person offering to vote, residing in such ward, and who would be qualified to vote at townmeeting: and the said inspectors, after the poll shall be closed, shall count the votes given for the several candidates, and certify the result under their hands, and deliver such certificate to the clerk of the ward, who shall file and preserve the same, and, within five days thereafter, deliver a copy thereof to the clerk of the township committee; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall have been voted for respectively.

Ward inspectors to certify result to clerk of township committee.

Sec. 12. *And be it enacted,* That the said ward meetings, as soon as they are organized as aforesaid, may, if they think proper, order and direct that, in addition to the officers so as aforesaid directed to be elected by ballot, an election shall also be held, in like manner, for a moderator and for a clerk of the ward; and in that case the persons so elected shall be the moderator and clerk of the ward, and shall preside and act at all subsequent meetings of the ward which may be held during that year and at the next annual ward meetings; but in case of the absence of the said moderator or clerk, the meeting may

Moderator and clerk may be chosen by ballot.

Time of keep-
ing open polls

appoint a moderator or clerk pro tempore: and the said ward meetings shall fix the time of opening and closing the polls in their respective wards; provided the same shall not be continued open after the hour of nine o'clock at night; but may, if the meeting so direct, be opened again at eight or nine o'clock the next morning, and continued open until nine o'clock in the evening of the second day, and no longer.

Ballots print-
ed or written.

SEC. 13. *And be it enacted*, That the ballots may be written or printed, or partly written and partly printed, and the voter shall put the names of all the candidates he intends to vote for on one ballot.

Qualification
of officers
elected.

SEC. 14. *And be it enacted*, That all the officers to be voted for at such ward meetings, shall be persons qualified to vote at town meeting, and shall all, except the chosen freeholders and surveyors of the highways, and school committee, reside within the wards in which they are voted for respectively.

Ward clerks.

SEC. 15. *And be it enacted*, That the clerks of the several wards shall, within their respective wards, perform all the duties incident to the office of town clerk, and be subject to the same penalties, and entitled to the same compensation, as are or may be by law imposed upon or provided for town clerks, except as is herein otherwise prescribed or provided for.

Officers may
be compen-
sated.

SEC. 16. *And be it enacted*, That the inhabitants of the said wards may, at their annual meetings, vote and order such compensation as they may think proper to the several officers so to be elected, for their respective services, where the laws of this state make no provision for such compensation; which shall be paid to them by the ward collector, upon the order or certificate of the two town committeemen appointed in such ward; but the amount of such compensation, so voted by any ward, shall be exclusively assessed and collected in such ward.

• General pow-
ers and duties
of ward meet-
ings.

SEC. 17. *And be it enacted*, That all the provisions, regulations, and enactments contained in the act entitled, "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first of February, in the year of our Lord seventeen hundred and ninety-eight, and in the supplement thereto, passed the twenty-second of May, in the year of our Lord eighteen hundred and twenty, shall be applicable to the said ward meetings, and to the manner of conducting the same, and to the officers thereof, and to the persons to be appointed to office at any and every such ward meetings, in as full and ample a manner as if those provisions, regulations, and enactments were herein repeated and re-enacted in reference to the said ward meetings, except so far as such provisions, regulations, and enactments shall be contrary to, and incompatible with the provisions of this act; and except, also, so far as additional or other powers shall be given, duties prescribed, and regulations made, for the organization and government of the said ward meetings, and of the officers to be appointed by them, by the provisions of this act.

SEC. 18. *And be it enacted,* That the street commissioners who may hereafter be elected at the said ward meetings, shall be vested with the same powers, and perform the same duties, as were vested in, and imposed upon them by the act creating those officers, together with such other powers and duties as are given to, or required of them by this act; and, in like manner, the freeholders, surveyors of the highways, school committee, and commissioners of appeal and other officers, elected in pursuance of this act, shall, respectively, perform the same duties, and be liable to the same penalties, as if they had severally been elected at an annual townmeeting, unless otherwise directed and provided for by this act.

Powers and duties of street commissioners, &c.

SEC. 19. *And be it enacted,* That the several town committeemen elected in the said wards, shall constitute the township committee of the said township of Newark; and, in addition to the powers and duties heretofore vested in and required of that committee, they shall, at their first or second meeting, choose one of their own number to be chairman of the committee, who shall act as such, and preside at all their meetings, until the committee shall choose another chairman in his place: they may also elect some suitable person to be clerk of the town committee, and allow him a reasonable compensation for his services: and it shall be the duty of the said clerk to attend the meetings of the said committee, when required, and to keep a record of the votes and proceedings of the said committee, and perform such other services as may be by them required of him: and the said town committee may also, if they think proper so to do, appoint annually, or oftener, some suitable person to be the township treasurer; and if they make such appointment, they shall fix his compensation or salary, and shall require him to enter into a bond to the inhabitants of the township of Newark, in the county of Essex, with at least two freeholders as sureties, in such penalty as the said committee shall think proper, for the faithful discharge of all his duties as treasurer, and for the safe keeping and accounting for all the moneys that shall come into his hands as such treasurer.

Organization of township committee.

May appoint clerk and treasurer.

SEC. 20. *And be it enacted,* That the town committee, in addition to the duties now required of them by law, shall make a yearly report, in writing, of all the disbursements of the township, a copy of which shall be delivered, by their clerk, to the clerks of the several wards, previous to the second Monday in April in every year; which report shall be publicly read at each annual ward meeting: and the said committee shall also cause the same to be published, in at least one of the newspapers that may be published in the said town of Newark, previous to such meetings.

Annual report of disbursements to be made by committee.

SEC. 21. *And be it enacted,* That it shall also be the duty of the said town committee, annually, to prepare an estimate (a copy of which shall be furnished to the clerk of each ward, to be laid before the annual meetings) of the amount of moneys

Estimate of expenses of ensuing year to be published by committee.

necessary to be raised for the following purposes, or for such of them as the said committee may think proper to recommend or submit to the consideration of the several ward meetings, viz: for the support of the poor; the education of the children of poor and indigent parents, and poor orphan children; the improving and repairing the streets and highways; the support of a night watch; lighting the town at night, by lamps or otherwise; the purchase of town burying grounds; the erection of a market house or market houses; the building, or otherwise providing suitable places for holding the ward meetings; for the erection of a town house; for the prevention and extinguishment of fires; for contingent and incidental expenses; and for such other purposes and improvements as the said committee shall think proper; which estimate the said committee shall cause to be published, in at least one newspaper published in the said town of Newark, for the space of one week, at least, before the annual ward meetings: but no money shall be raised by tax in the said township, unless three of the said wards, at their annual meetings, shall concur therein: *Provided always*, that if any three of the said wards, or if all of them, shall vote to raise money for any of the purposes aforesaid, but it shall so happen that they do not all vote to raise the same amount of money, then the town committee shall ascertain the mean sum voted for by the several wards, and direct that amount to be assessed and raised, by tax, in the said township of Newark, for the purpose or purposes for which the same was so voted by the said wards: and the said ward assessors shall meet and apportion the sum to be raised among their respective wards; and the sums so apportioned shall be assessed by the assessors, and collected by the collectors, of the respective wards, and, by such collectors, paid over to the township treasurer, if any, within such time after the day fixed by law for the payment of taxes, as the town committee shall direct: and in case any of the said collectors shall fail so to pay over the moneys by them collected, they and their securities may be prosecuted therefor, on the bonds given by such collectors: *Provided also*, that nothing herein contained shall be so construed as to prevent either of the said wards, at any annual or other meeting thereof, from voting and raising money by tax, within the ward, for any purpose exclusively for the benefit or convenience of the ward: and if either or any of the said wards shall vote to raise money for any such local and exclusive purpose, the same shall be assessed by the assessor of the said ward on persons and property within the same, and the collector of the said ward shall collect the same, and pay over or apply the moneys so collected, as the ward meeting shall direct or appoint.

The consent of three wards necessary to raise tax.

Proviso.

Taxes, how assessed and collected.

Proviso.

Each ward may raise taxes for its exclusive purposes.

Additional powers vested in ward meetings.

SEC. 22. *And be it enacted*, That the inhabitants of each or any of the said wards, at their annual or other legal meetings, may make and ordain all such regulations and by-laws as town-

meetings are by law authorized to make and ordain; and, in addition thereto, may make ordinances or regulations on the subject of swine running at large in the streets or upon the public grounds, and for impounding such swine; and also for regulating the sidewalks within their respective wards, and to prevent the same from being obstructed or injured by persons riding or passing over or upon them with horses or oxen, or with wagons, carts, or carriages, of any description; and all such regulations and by-laws may alter, repeal, or amend, and enforce the same by imposing penalties on the offenders, not exceeding ten dollars for any one offence; which penalties may be sued for and recovered, for the use of the ward within which the offence may have been committed, by action of debt, with costs of suit, before any justice of the peace not residing in such ward, or any other court having cognizance thereof, in the name of the clerk of the said ward for the time being.

Sec. 23. *And be it enacted,* That the town committee, by and with the consent of any three of the said wards, expressed by their votes at any annual or other lawful meetings of the said wards, shall have power to sell and convey, or otherwise dispose of, any grounds that have heretofore been purchased or used for town burying places, and to apply the moneys arising therefrom to the purchase of other grounds for the same use, or to such other use or uses as any three of the said wards may direct at any such meetings as aforesaid.

Town committee may sell town burial grounds.

Sec. 24. *And be it enacted,* That special ward meetings may be convened in any of the said wards, by the moderator thereof, or, in his absence, by the clerk of the ward, upon the application, in writing, of any ten inhabitants entitled to vote at town meeting and residing in such ward; which writing shall specify the objects for which such special meeting is called; and the moderator or clerk shall thereupon cause at least ten days' notice of the time and place of such meeting to be published in some newspaper or newspapers published in Newark, and set up copies thereof in at least three public places within the wards, specifying, in such advertisements and notices, the objects of the meeting, and by whom requested: and no other business shall be transacted or acted upon at such meeting but such as shall have been so specified.

Special ward meetings may be convened.

Sec. 25. *And be it enacted,* That the street commissioners, in addition to the powers and duties heretofore prescribed to them by law, shall have the superintendence of all the highways and streets in the township of Newark, and the several owners of the highways in the said township shall cause the said highways and streets in their respective districts to be worked, formed, repaired, levelled, and drained, in such manner, and upon such plans, as the said street commissioners shall order and direct.

Additional powers of street commissioners.

Sec. 26. *And be it enacted,* That five members of the township committee shall constitute a quorum to do business, at any

Quorum of township committee.

regular meeting of the said committee, but a less number may adjourn; and the said committee may meet upon their own appointments and adjournment, and may ordain rules for their own government, and the same alter at pleasure: *Provided* the same shall not be contrary to this act or any other law of this state or of the United States.

AND WHEREAS the number of legal voters in the township of Newark has become so great, that it is almost impracticable, and tends to great disorder and confusion, to receive all the votes at one poll—Therefore,

Elections for members of congress, legislature, &c. held in wards.

SEC. 27. *Be it enacted*, That all elections hereafter to be held in the said township of Newark, for members of the legislative council and general assembly, sheriffs and coroners, and for members of congress and electors of president and vice-president of the United States, or for any other officers of the general or state government, that may be made eligible by the people, shall be held in the several wards into which the said township of Newark is divided by this act, on the day or days which now are, or which may hereafter be designated by law for such elections; that the polls shall be opened and closed at the hours prescribed by the laws of this state; that the judge and inspectors of elections, so as aforesaid directed by this act to be annually chosen in the said wards, shall preside at all such elections, and the clerks of the said wards shall be the clerks of all such elections in their respective wards; that every person who may by law be entitled to vote at any such election in the said township, shall cast or put in his vote in the ward in which he shall reside at the time of such election, and not elsewhere; and in case any person shall vote, or offer his vote, in a ward in which he is not by law entitled to vote, he shall be liable to the penalty prescribed by the seventh section of the act entitled, "A supplement to the act entitled an act to regulate the elections of members of the legislative council and general assembly, sheriffs and coroners, in this state," passed the first of June, in the year of our Lord eighteen hundred and twenty, and to be sued for and recovered as therein directed.

Penalty for voting in ward not entitled to.

Election in wards conducted in the same manner as in townships.

SEC. 28. *And be it enacted*, That the said judges, inspectors, and clerks of elections shall take the same oaths, and conduct such elections, and make returns thereof, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers, entitled to the same compensation, and subject to the same duties and penalties, as other judges, inspectors, and clerks of elections, in the several townships in this state are, or may be by law intrusted with, allowed, or made liable to; and in case of the absence, death, or incompetency to serve, of any such judges, inspectors, or clerks of elections, in any of the said wards, such vacancy or vacancies shall be supplied or filled up in the manner prescribed by law for supplying such vacancies in the several

townships of this state; and the clerks of the said wards respectively shall procure election boxes, for the use of their wards in such manner and of such description, as are required to be procured by the township clerks in this state, and be subject to the same penalties for neglecting to procure and keep in repair such boxes.

Sec. 29. *And be it enacted,* That the clerk of the county of Essex shall procure at the expense of the county, printed copies of the seventh and eleventh sections of the act mentioned and referred to in the twenty-seventh section of this act, and transmit one copy thereof, together with a list of the nominations, to each ward clerk, who shall severally advertise the said elections, and put up such copies and lists of nominations at their respective polls, in the manner in which the clerks of the several townships are required by law to advertise and put up the same.

County clerk
to transmit
lists, &c. to
each ward.

Sec. 30. *And be it enacted,* That the polls in the said several wards shall be opened and held at such places in the said wards respectively, as the inhabitants thereof at their last preceding annual ward meeting shall appoint.

When polls
to be opened.

AND WHEREAS the territorial limits of the said township of Newark are small, the population dense, and the public highways sufficiently numerous for all purposes of public traveling; and lands in the said township, and especially within the townplot, are owned in small parcels, and in most instances too valuable to be taken for public streets without compensation to the owners thereof: therefore,

Sec. 31. *Be it enacted,* That so much of the several acts of the legislature of this state, as relates to and prescribes, the mode of applying for and laying out, altering or vacating public or private roads or highways in this state, and so much of all and every of the said acts as relates to or limits the width of public roads or highways in this state, shall not hereafter be considered or construed to have any application to, or to be of any force or effect, within the territorial limits of the township of Newark in the county of Essex; but the whole of the said township shall be and is hereby exempted from the provisions and operation of the general laws of this state, so far as they relate to the mode of applying for and laying out, altering or vacating public and private roads and highways, and so far as relates to the width thereof.

Township
exempted
from general
laws for lay-
ing out roads,

Sec. 32. *And be it enacted,* That the two chosen freeholders of the township of Newark, the surveyors of the highways for the said township, and the four street commissioners for the time being, shall constitute a board of commissioners of streets and highways in and for the said township of Newark; and that the said board of commissioners, after the second Monday in April next, shall have the exclusive power of laying out, vacating and altering public streets and highways

Board of
commission-
ers of streets
& highways.

within the said township of Newark, under the restrictions, provisions and regulations prescribed in this act.

Application
for opening
streets, &c.
made to
township
committee.

Who may
convene the
board of com-
missioners.

Notice there-
of to appli-
cant.

SEC. 33. *And be it enacted,* That whenever any person or persons shall desire or conceive it to be for the public advantage, to have a road or street laid out and opened, vacated, altered, widened, or extended, within the said township of Newark, such person or persons may present a petition or application in writing to the said township committee, designating the place or places where, and the land or lands through or over which such road or street is proposed to be laid out, or extended, or the alterations proposed to be made in any street or highway already opened and used; which petition or application shall be delivered to the chairman or clerk of the said township committee; and the said committee, as soon thereafter as conveniently may be, shall take order thereon; and may, if they think proper so to do, refer such petition or application to the consideration of the said board of commissioners of streets and highways for their action thereon; and in such case the said township committee shall appoint a time and place for the said board of commissioners to meet; of which time and place the said applicant or applicants shall give at least ten days notice in writing to each member of the said board of commissioners, and shall also cause notice thereof, together with a copy of the petition or application, to be put up in at least five of the most public places in the said township, for at least ten days prior to the time of meeting, two of which notices and copies, at least, shall be put up in the ward or wards in which such street is proposed to be laid out, altered or extended.

Board may
lay out or
open streets,
&c.

Proviso.

Buildings of
100 dollars

SEC. 34. *And be it enacted,* That the said board of commissioners, or a majority of them, when assembled at the time and place appointed, shall first enquire and ascertain whether notice has been duly served on the absent members, if any shall be absent, and whether such notices and copies as aforesaid have been duly set up, as required in the preceding section; and if satisfied that the provisions of this act in these respects, have been fairly complied with, the said board of commissioners shall proceed to view and examine the premises over or through which such road or street is proposed to be laid out, altered, vacated or extended; and if the said board of commissioners, or a majority of the whole number of them, shall be of opinion that such proposed road or street, or alteration, vacation or extension of a road or street, shall be necessary or useful for the public, or beneficial to the town of Newark, they shall have power to lay out the proposed street or streets, or to alter, widen or extend any street or streets designated in the said application: *Provided however,* That the said board of commissioners shall not have power to remove, or order or cause to be removed, any dwelling house or other building of the value of one hundred dollars or upwards, without the con-

sent in writing of the owner or owners thereof, or his or their agent or agents authorized to act in the premises; nor shall they lay out, widen or extend any road or street, over or upon the lands of any person or persons, without such consent, unless the applicant or applicants for such laying out, alteration or extension, or other person or persons conceiving themselves interested in having such road or street laid out, altered, widened or extended, shall pay or consent to pay to the owner or owners of such lands, such sum or sums of money, as the said board of commissioners or a majority of them shall direct, and to perform such other terms or conditions as the said board of commissioners shall deem reasonable and proper; and in determining the sum or sums so to be paid, and the terms and conditions aforesaid, the said board of commissioners shall have due regard, as well to the value of the land, as to the injury or benefit to the owner or owners thereof by laying out, altering, widening or extending such road, street or streets.

value not to be removed but by contract.

Owners of land on which streets are laid out, to be paid.

SEC. 35. *And be it enacted*, That if the said board of commissioners, or a majority of the whole number of them, shall agree to lay out, alter, widen or extend any road, street or streets, they shall make a report or return thereof in writing, under their hands or the hands of such as agree thereto; designating in such return, the beginning and ending, width, courses and distances of such road, street or streets, and the owner or owners of the lands through or over which the same is or are laid out, altered, widened or extended, and the time when the overseers of the highways shall cause such road, street or streets to be opened, altered, widened or extended; and in case such road, street or streets shall be laid out, altered, widened or extended, upon any of the terms or conditions authorized by this act, then such return shall further specify and set forth, the sum or sums of money to be paid, to whom, and the time within which the same shall be paid: which return the said board of commissioners, or one of them, shall within twenty days after the time of meeting, deliver to the clerk of the county of Essex, to be filed and recorded: *Provided* *always*, that if such return shall be a conditional one, in manner aforesaid, then the same shall not be recorded without the order of the court of common pleas of the county of Essex, first made for that purpose; which order the said court are hereby authorized to make, on reasonable notice of a motion therefor, given to the parties interested, and on due and satisfactory proof being made and filed, that the money has been paid or lawfully tendered, and the terms or conditions upon which such road, street or streets were laid out; altered, widened or extended, have been complied with, or the person or persons interested in the same otherwise satisfied and contented to have such return recorded: *Provided always*, that if such payment or satisfaction shall not be made, or terms com-

Return of streets, &c. laid out, to be made to county clerk to be recorded.

Proviso.

Proviso.

When return
to be void.

plied with, within the time limited and expressed in such return, the said return shall be void and of no effect.

When return
recorded, &c.
worked as
other roads in
township.

SEC. 36. *And be it enacted*, That after any such return as aforesaid shall have been duly recorded, the road, street or streets thereby laid out, altered, widened or extended, shall be deemed and taken to be highways, and shall be opened, made, maintained, worked and repaired, in the manner that other roads and highways in the said township of Newark, are or may be by law directed to be opened, made, maintained and repaired.

AND WHEREAS in some instances individuals in the town of Newark, aforesaid, have opened streets or public ways through their own lands in the said town, and dedicated the same to public use as streets or passage ways, but which have not been laid out as roads or highways according to law, either because they were not as wide as the law required, or for some other reason, wherefore they cannot be recognized and treated as public highways, or be regulated and cleansed as such at the public expense, but may become nuisances and receptacles for filth, highly injurious to the comfort and health of the said town; therefore,

Township
committee to
make and re-
cord surveys
of all streets,
roads, &c.
opened by
owners for
public uses.

SEC. 37. *Be it enacted*, That it shall and may be lawful for the said township committee, at the expense of the said township of Newark, to cause surveys to be made, and to have the same filed, in the clerk's office of the county of Essex, and recorded in the book of records of roads and highways for said county, of all such roads, streets, alleys, and public passage ways, as have been or may be hereafter voluntarily opened by the owner or owners of the land or lands over or through which the same run, and which have been or hereafter may be by such owner or owners dedicated to the public, by permitting the public to use and travel over the same, or by selling lots fronting thereon, for the purpose of erecting dwelling houses or other buildings along the same, or otherwise; and all such streets, roads, alleys, and ways, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects; *Provided always*, that nothing in this section contained shall authorize the said town committee to make such survey of any lane, alley, or passage way, that may be opened by any person or persons for his or their own private use and benefit, and on or along the sides of which they shall not erect or suffer to be erected any dwelling houses, or which lane, alley, or passage way, it is not the intention of such owner or owners of the lands to permit the public to use as a street or passage way.

Proviso.

SEC. 38. *And be it enacted*, That the applicant or applicants for laying out, altering, widening, or extending any road or

street, under this act, shall pay to the court of common pleas, and the clerk thereof, the same fees for services required and performed by them in pursuance of this act, as are or shall be allowed by law for like services under the general laws of this state on the subject of highways; and shall also pay to the several members of the said board of commissioners, for their services, such compensation as the said township committee shall fix, not however to exceed in amount what is or may be allowed by law to surveyors of the highways for like services.

Fees to court
and clerk,

and board of
commission-
ers.

SEC. 39. *And be it enacted*, That no road or street, laid out, vacated, altered, widened, or extended, under the provisions of this act, shall be subject to review by chosen freeholders; but any person or persons conceiving himself, herself, or themselves aggrieved or injured by the laying out, altering, vacating, widening, or extending of any road or street in the said township of Newark, under the provisions of this act, or by any proceedings of the said township committee under or by virtue of the thirty-seventh section of this act, may file in the clerk's office of the county of Essex, a caveat against the recording of any return or survey made under or in virtue of this act, and may have any such proceedings reviewed and corrected, or set aside, in the supreme court of this state, by certiorari or other lawful process.

Streets, &c.,
laid out, not
to be review-
ed by chosen
freeholders.

Redress for
persons ag-
grieved.

SEC. 40. *And be it enacted*, That this act shall be deemed and taken to be a public act, in all courts of law and equity in this state and elsewhere.

Public act.

SEC. 41. *And be it enacted*, That all acts and parts of acts which are contrary to, or inconsistent with the provisions of this act, or of any part thereof, or which contain enactments, prescribe duties, or make regulations which are otherwise provided for in this act, shall be, and the same are hereby repealed, on and after the second Monday in April next, so far only as such acts or parts of acts relate or extend to the township of Newark, in the county of Essex, and no further.

Parts of acts,
repealed.

SEC. 42. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to repeal, alter, change, or modify this law, at their will and pleasure.

This act may
be altered or
repealed.

Passed February 6, 1833.

A Supplement to an act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad Company."

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for the Elizabethtown and Somer-

Company au-
thorized to
continue road

from Somerville to the Delaware.

village Railroad Company, incorporated by an act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad Company," passed the ninth day of February, in the year of our Lord one thousand eight hundred and thirty-one, to continue the railroad, authorized by said act, from the village of Somerville, in the county of Somerset, on the most eligible route, to the village of Clinton, in the county of Hunterdon; and from thence to the Delaware river, opposite to the village of Belvidere, in the county of Warren; with a branch, if they shall deem it expedient, from any convenient point on the route of said road to the Delaware river between the mouth of the Musconetcong creek and the Easton Delaware bridge; which said road shall be of the same width, dimensions, and construction as the road, authorized to be erected by the act to which this is a supplement, from Elizabethtown to Somerville; and, for that purpose, the said company shall have the same rights, powers, and privileges, given and granted by the said act, to which this is a supplement, and shall be subject to all the restrictions, limitations, conditions, and provisions in the said act contained, in the same manner, and to the same extent and effect, as if the same were herein again repeated, or the said company had been originally authorized, by the said act, to extend the said road therein authorized to be erected to the said points or places herein above mentioned, and be entitled to receive and take the same rates of toll for transportation and traveling on said road, hereby authorized to be erected, as are specified and allowed by the said act to be received and taken on the said road from Elizabethtown to Somerville.

Tolls.

Capital stock increased \$500,000.

May further increase capital.

Commissioners to open books for subscriptions for new stock.

SEC. 2. *And be it enacted*, That, for the purpose of enabling the said company to make and extend said road from Somerville to the points or places above mentioned, it shall be lawful for the said company to increase their capital stock, by new subscriptions, to the amount of five hundred thousand dollars over and above the capital provided for by the said act, to which this is a supplement; and if when the said additional capital shall have been laid out and expended in the erection of the said road, hereby authorized, it shall be found that the same is insufficient to complete the same, and defray all the expenses incident thereto, that then and in that case it shall be lawful for the said company further to increase the said capital stock to any amount necessary to complete said road, and defray all the necessary expenses incident thereto, not exceeding the further sum of five hundred thousand dollars.

SEC. 3. *And be it enacted*, That John Kinney, junior, John W. Bray, Nathaniel Saxton, Oliver W. Ogden, Thomas Salter, and Garret D. Wall be, and they are hereby appointed commissioners to open books for subscriptions to such additional stock; whose duty it shall be to open books for receiving subscriptions for such additional stock, and to proceed therein in the same manner, in all respects, as is provided, by the act to

which this is a supplement, for receiving subscriptions to the original stock of said company: and the said company shall cause certificates to be issued to the subscribers for such additional stock, in like manner, and upon the same terms, as if the same had been part of the original stock of said company; and such new subscribers shall become members of the said corporation, and be entitled to the same rights and emoluments as the original stockholders.

SEC. 4. *And be it enacted*, That the said company shall complete the said road, and branch thereof, to the points or places above mentioned, within ten years from the time of the passage of this act, otherwise this act, and all the powers and privileges hereby granted, shall cease and become void and of no effect.

Limitation of
act.

Passed February 8, 1833.

AN ACT to incorporate the Orange Aqueduct Company.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John M. Linsley, Stephen D. Day, Daniel Babbit, Allen Dodd, Henry B. Campbell, William Munn, and their associates, successors, and assigns, for the purpose of supplying the village of Orange with pure and wholesome water, shall be a body politic and corporate, in fact, law, and name, by the name, style, and title of "the Orange Aqueduct Company," and, by that name, have continued succession, and enjoy all the privileges and franchises incident to a corporation; and shall be capable of holding their capital stock, and the increase and profits thereof, in such manner and form as they shall think proper, and of disposing and using, and hiring or renting, the water which they may purchase or procure (by the mode herein after mentioned for ascertaining the value of such property, privileges, and damages) from the owner or owners of the soil whereon the spring or springs may be found, or through whose land the waters of such spring or springs may flow, and also of purchasing, taking, and holding, to them, their successors, and assigns, in fee-simple, all such lands, tenements, hereditaments, and real and personal estate, as shall be necessary and convenient to or for them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and also, that they and their successors and assigns be, and shall be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in their said corporate name, in all courts of judicature whatso-

Style of in-
corporation.

Powers.

Proviso.

ever, and of doing all and every other matter, act, or thing which a corporation or body politic may lawfully do: *Provided*, that the real estate so to be holden shall be such only as may be requisite to promote and attain the objects of this incorporation, and be relative thereto; which objects are hereby declared to be, the bringing into, and supplying the village of Orange with pure and wholesome water.

May lay aqueduct through lands, compensating the owners.

Proceedings on disagreement of company with owners.

SEC. 2. *And be it enacted*, That it shall and may be lawful for the said corporation to lay and extend the aqueduct to such places, and through any lands that may be, by their directors, hereafter chosen, thought necessary, first giving notice of their intention to the owner or owners, or persons interested, in writing, and making satisfaction for any damages that may be sustained by any person or persons interested in the lands, spring or springs of water which may be injured or affected by the construction of said aqueduct, and the diversion or use of the said water for the same, according to a reasonable agreement between the parties; but in case of disagreement between the parties, as to the value or sum to be paid for such damages, then and in such case it shall be the duty of the said parties, each, to choose a reputable freeholder, not stockholders in this corporation, and they two, a third, whose judgment, or the judgment of any two of them, made in writing, as to the amount to be paid to the owner or owners, by the said company, shall be conclusive; and in case such owner or owners, or persons interested, shall neglect or refuse, after notice in writing given, to choose a person, as aforesaid, then it shall be lawful, on the application of said company, or their officers, for any justice of the peace of the county of Essex, not interested, to issue his venire to any constable of said county, directing him to summon twelve good and lawful men of the county, not being members of this corporation, nor interested therein, who, having been duly sworn, upon examining the facts and premises, shall render such verdict thereon as to them shall appear just and right, which verdict shall be conclusive between the parties.

May lay aqueduct through streets or highways.

Proviso.

SEC. 3. *And be it enacted*, That it shall and may be lawful for said corporation to lay and extend the said aqueduct through such of the highways or streets of the village of Orange, as they may think necessary; and, for that purpose, to dig up and remove so much of the earth in the said streets or highways as may be convenient and necessary for the purposes aforesaid: *Provided* the said earth be replaced, at the expense of the said company, in as good a condition as if the same had not been removed, as soon as compatible with a judicious prosecution of the work.

Capital stock.

SEC. 4. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, with the privilege of increasing the same to twenty thousand dollars, divided into shares of twenty dollars each; and that subscriptions to the

said capital stock be received by John M. Lindsley, Allen Dodd, and Stephen Condit, or any two of them, who are hereby appointed commissioners for that purpose, and whose duty it shall be, as soon as convenient after the passage of this act, having given one month's previous notice of the time and place or places, by advertisement, in three of the most public places in the township, to open books of subscription at such place in the village of Orange as they may think proper, and continue the same open until the whole amount of the stock of the said company shall have been subscribed; whereupon it shall be the duty of said commissioners to call a meeting of the stockholders, by the same previous notice, of the time when, and place where such meeting shall be held, who shall proceed, in person or by proxy, to elect seven directors, to manage the affairs of said company; and the said directors, so chosen, shall elect, in the manner herein after prescribed, one of their number to act as president: and it shall be the duty of said commissioners to pay into the hands of the said directors, all moneys they or any of them may have received on account of subscriptions.

Commissioners to receive subscriptions.

President and directors to be chosen.

Sec. 5. *And be it enacted,* That the said directors shall hold their offices from the day of election until the first Monday in April following, or until others shall have been chosen; which choice of directors shall take place on the first Monday in April, in each year, at such place and time of day as the directors for the time being may or shall appoint; and notice shall be given by the said directors, not less than ten days previous to the time of holding said election, by advertisements, put up in three of the most public places in the township of Orange; and for the well ordering which election, the directors shall, previously thereto, appoint three stockholders, not being directors or candidates for directors, to be judges of election, who shall conduct and regulate the same; who, having been previously sworn faithfully to discharge the duties of their office, shall decide and declare who are elected directors: and the said election shall be made by such of the stockholders as shall attend for that purpose, in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock he, she, or they shall have held in his, her, or their names, at least thirty days before the time of voting: all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors; and in case two or more have an equal number of votes, the directors in office at the time of such election shall determine, by plurality of votes, which of the said candidates so having an equal number of votes shall be director or directors, so as to complete the whole number; and the said directors shall forthwith thereafter proceed, by ballot, to elect one of their number to act as president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, the same shall be filled, for the re-

Time and mode of annual election of directors.

Jr
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Vacancies how supplied.

mainder of the year, by such person or persons, being stockholders, as the remainder of the directors for the time being, or a majority of them, may appoint.

Quorum.

SEC. 6. *And be it enacted*, That four directors, with the president, shall constitute a quorum for the transaction of business.

Directors to appoint officers and fix their salaries.

SEC. 7. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to appoint a secretary, treasurer, and agents, and to employ workmen and laborers, as to them shall seem needful and proper; to make and prescribe such by-laws, rules, and regulations, as to them shall seem necessary, touching the government of said corporation, the management and disposition of its affairs, business, and effects; to have a common seal, and to alter the same, or change it at pleasure; and all such other matters as may appertain to the concerns of the said corporation; and to fix or allow such salaries or compensation to the officers of said corporation, workmen, and laborers, as to them shall seem meet: *Provided always*, that such by-laws, rules, and regulations be not repugnant to the provisions and requirements of this charter or to the constitution and laws of this state or of the United States.

Proviso.

Stock forfeited on failure of payment of installments.

SEC. 8. *And be it enacted*, That one dollar shall be paid on each share, at the time of subscribing, to the persons herein before named as commissioners for the purpose, and the remainder to be paid in such installments, and at such times and place or places, and to such person or persons as the said president and directors may appoint, giving thirty days' previous notice in manner aforesaid; and if any stockholder shall neglect or refuse to pay up such instalment, all and every such share or shares, whereon there shall be such deficiency, and all moneys previously paid thereon, may be forfeited to the use of the company.

Mode of transferring stock.

SEC. 9. *And be it enacted*, That the stock of said company shall be assignable and transferable according to such rules and subject to such restrictions and conditions as the board of directors may, from time to time, establish, and that the said stock shall be considered personal property.

Dividends.

SEC. 10. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall appear advisable, from time to time.

When company to organize.

SEC. 11. *And be it enacted*, That as soon as the first installment of one dollar on each share, shall have been paid in, and the company duly organized, they may proceed to the accomplishment of the objects of this incorporation.

Funds not to be employed in banking.

SEC. 12. *And be it enacted*, That it shall not be lawful for the corporation hereby created, to use their funds, or any part thereof, in banking operations, or in any other business, except what has been clearly indicated in the previous sections of this act.

Passed February 7, 1833.

AN ACT to dissolve the marriage contract between Adam A. Pease and Sarah Pease.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Adam A. Pease and Sarah Pease, of the county of Gloucester, be, and the same is hereby dissolved and made void and of no effect, as fully as if they never had been joined in matrimony.

Adam A. and Sarah Pease divorced.

Passed February 8, 1833.

AN ACT to incorporate the Delaware and Jobstown Rail or McAdamized Road Company.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That James Newbold, Joseph Smith, Chalkley Atkinson, and their associates, shall be, and are hereby constituted a body politic and corporate, by the name of "the Delaware and Jobstown Rail or McAdamized Road Company," and, by that name, they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and, by that name, shall be capable of purchasing, or of otherwise receiving and becoming possessed of and holding or conveying, any real or personal estate; shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Style of incorporation.

Powers.

SEC. 2. *And be it enacted*, That the capital stock of the said corporation shall be sixty thousand dollars, with liberty for the company to increase the same to two hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall, by their by-laws, direct.

Amount of capital.

SEC. 3. *And be it enacted*, That James Shreve, Thomas Black, and Jonathan Scattergood shall be commissioners to open books for receiving subscriptions to the capital stock of the said corporation; the said books shall be opened by the said commissioners, or a majority of them, at such times and places as they shall deem proper, and shall continue open not less than two days; and twenty days' notice shall be given, by

Commissioners to receive subscriptions

Stock to be apportioned.

How installments are to be paid.

Stock forfeited on failure to pay installments.

Time and mode of electing directors and president.

Vacancies, how supplied.

Board of directors may call in installments.

said commissioners, of such times and places, in one or more of the newspapers printed in Mount Holly; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners by whom the said books are opened to make a fair and just apportionment of the stock to the subscribers; and, at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them; and that the residue of the subscription shall be paid in such installments, and at such times and places, and to such person, as the president and directors of the company shall from time to time direct, by giving thirty days' public notice thereof, as aforesaid, and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the company.

SEC. 4. *And be it enacted*, That when the capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same be necessary, it shall be the duty of the aforesaid commissioners, or a majority of them, to give a like notice, as above, to choose nine directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share entitling the holder thereof to one vote: and the said commissioners, or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to said directors, and the moneys paid to them for subscriptions to said capital stock, as shall remain in their hands after defraying the expenses of subscription and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors aforesaid: and the first directors, and yearly the directors chosen at any election for that purpose, shall, as soon as may be after the election, choose, out of their own number, a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president, the said board, or a majority of them, may appoint a president pro tempore.

SEC. 5. *And be it enacted*, That five directors of said corporation shall form a board, and they, or a majority of them, shall be competent to transact the business of the said corporation, and may have power to call in the remainder of the capital stock of the said corporation, by such installments, not

exceeding five dollars on each share at any one time, and at such times as they may direct: *Provided*, that no installment be required at shorter periods than thirty days from each other; and to make and prescribe such by-laws, rules, and regulations, as to them shall appear proper, touching the management and regulations of the stock, property, estate, and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents, and such servants as may be required to transact the business of the corporation, with such compensation to them and the president as to the board shall seem proper; and that they shall require from the treasurer such security as they may deem sufficient for the due performance of his trust, and generally to do all other acts which they may deem expedient for effecting the objects contemplated by this incorporation.

Make by-laws

Appoint officers.

SEC. 6. *And be it enacted*, That the president and directors of the said corporation shall be, and they are hereby invested with all the rights and powers necessary to the survey, laying out, construction, and repair of a rail or McAdamized road, not exceeding sixty-six feet in width, with as many sets of tracks as they may deem necessary: beginning at low water mark on the Delaware river, at the mouth of Craft's creek; thence, on lands of Anthony Taylor, fifty-eight chains; thence, across Lewis Coxe's land, sixty-four chains and fifty links; thence, across Ann Carty's lands, twenty-one chains and fifty links; thence, across Ann Wright's, Mary Scattergood's, and Clayton G. Atkinson's respective lands, eighty-four chains; thence, on lands of John Aaronson, thirty-seven chains and fifty links, to the road leading from the village of Columbus to Biddle's wharf; thence, along side of said road to the said village of Columbus; thence, continuing by the south-west side of the road, to the village of Jobstown; thence, continuing along side said road, to near the village of Juliustown; thence, across lands of John Atkinson and John Chambers, thirty-two chains, to the aforesaid public road; thence, along side the said road, to Lewistown, forty-three chains; thence, leaving the road, along Thomas Haines' line, eighty-four chains; thence, through the Pines, one hundred and sixty-nine chains; thence, along side the road, to the vicinity of New Lisbon, making altogether thirteen miles and thirty chains, as the said president and directors may by ordinance direct; and they, their agents, and servants, or others in their employ, may enter upon, take possession of, use, and excavate or level any land which may be wanted for the site of said road, or the erection of warehouses or other works necessary for the purpose of the said corporation; but all lands and real estate thus entered upon, which are not donations, shall be purchased, by the said corporation, of the owner or owners thereof, at a price mutually agreed upon between them; and in case of a disagreement, as to price, it shall be the duty of either of the justices of the supreme court,

Route of the road.

Company may enter upon lands, compensating the owners.

On disagreement of company with owners, com-

missioners
appointed by
sup. court.

upon a notice to be given him by said corporation, or by the owner or owners of such land or real estate, to appoint three disinterested commissioners, from the county in which the land lies, to determine the compensation and damages which the owner or owners of said real estate or land have sustained by reason of the occupancy thereof by the said corporation: the said commissioners are also directed and required to assess the damage which any individual or individuals may sustain by the said road, arising from the removing, making, and maintaining the fences on the line of the route of the said road, through any improved land which the same may run: and it shall be the duty of the said commissioners, after having taken an oath or affirmation faithfully and impartially to discharge the trust herein reposed in them, to deliver to the said corporation a written statement, signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, together with the amount of assessment for running, making, and maintaining the fencing, to be recorded by the said corporation in the office of the clerk of the county where such lands are situated; and upon payment or tender of such compensation as aforesaid to the said owner or owners, then the said corporation shall be deemed seized and possessed, in fee-simple, of all such land or real estate so appraised; and in case any owner or owners of such land or real estate shall be feme covert, under age, non compos mentis, or out of the state, and in such case then the said corporation shall pay the amount which has been awarded as due to the last mentioned owners, respectively, in the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all of which proceedings shall be had at the proper costs and charges of the said corporation, to be determined by the said justice of the supreme court: *Provided always*, that should the corporation or owner of any real estate, land, or materials feel themselves aggrieved by the decision of the commissioners aforesaid, either party, upon six days' notice to the other, may appeal to the next court of common pleas, in the county where the land lies, and the said court of common pleas shall have the power thereupon to direct a proper issue for the trial of the said controversy, to be formed between the parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried, upon the like notice, and in the same manner, as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then the judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or

Appeal from
decision of
commission-
ers to court of
com. pleas.

Amount of
compensation
for damages
assessed by
jury.

owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs shall be paid by said applicant or applicants, and either deducted out of the said sum found by said jury, or execution awarded therefor, as the said court shall direct: *Provided*, that such application shall not prevent the said company from taking the said land or materials, upon filing the said report: *And provided also*, that in case the said company, after the same is completed, shall abandon the said road, or any part thereof, or cease to use and keep the same, or any part thereof, in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be revested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid, their heirs and assigns; but the said road shall for ever thereafter be considered as a public highway.

Proviso.

On abandonment of road, lands to revest in former owners.

Sec. 7. *And be it enacted*, That the said corporation may build bridges, fix scales and weights, raise embankments, or make any other works necessary for the construction, use, or enjoyment of the said rail or McAdamized road; and in case of any damage done to the lands contiguous, by workmen and teams in the employ of the said corporation, either in constructing, repairing, or maintaining said rail or McAdamized road, the damages shall be determined in like manner, by commissioners appointed as aforesaid, with the same right of appeal.

Corporation may build bridges, &c.

Sec. 8. *And be it enacted*, That the president and directors shall have power to charge and demand tolls and rates for the passage of all carriages upon the said rail or McAdamized road, and fix, make, and, at pleasure, change and alter such tolls and rates, and also to make regulations and rules for the collection and levying of the same, and to regulate the time and manner of transporting goods and passengers, and manner of collecting tolls on the said rail or McAdamized road, and also the description and formation of carriages that shall or may be used on said rail or McAdamized road, and all necessary machines, engines, wagons, carriages, or vehicles: *Provided*, that the said corporation shall cause the rates of tolls charged to be inscribed or painted in some conspicuous place at each gate where toll shall be required to be paid: *Provided also*, that the said tolls so to be charged shall at no time exceed the following rates, viz: for an empty carriage with its appendages, weighing less than one ton, two cents per mile; above one, and under two tons, five cents per mile; above three tons or more, eight cents per mile: and the following additional tolls for passengers or freight, viz: in the carriages as charged aforesaid, for every species of property, six cents per ton per mile, and three cents per mile for each and every passenger carried on said rail or McAdamized way in said carriages.

May establish tolls.

Regulate time and manner of transportation.

Proviso.

Rates of tolls.

Sec. 9. *And be it enacted*, That if the corporation hereby

Time limited for constructing road. created shall not within three years from the passage of this act, commence the construction of said road at both ends, and within ten years thereafter, finish and put in operation the said rail way or ways, or a McAdamized way, then the said corporation shall forever cease thenceforth, and this act be null and void.

Passage on public roads or to farms not to be impeded.

Sec. 10. *And be it enacted,* That the said corporation shall provide by means of bridges or otherwise, convenient ways or passage for the public, over the said rail or McAdamized way, wherever it may cross a public road; and shall fix at least one easy mode of passage on each farm, for cattle or common wagons, across the rail way or the McAdamized way; and if the company neglect to perform the same, after being requested so to do, the owner or possessor may do it himself, and recover the value of the work of the corporation, by common process of law.

Obstacles to the passage of water, may be removed.

Sec. 11. *And be it enacted,* That for the purpose of protecting their works from the overflowing of the tides on the meadows or lowlands, it shall be lawful for the said corporation or their agents, to enter into and upon any part of the said meadows or lowlands, to remove every obstruction to the free passage of the water within the limits aforesaid, and to erect, cast up, or make, good and sufficient banks, dams, floodgates, sluices, and every other work, which, on any part of the said meadows, they may deem necessary to keep out the tide at all times, and to dig, open, and clear out all such sluices and water courses as may be required to drain the same; and if the owner or occupier of any such lowlands or meadow, shall consider himself aggrieved, or injured by the erection of any such work or works, and cannot agree with the company or their agents, upon the amount of damages, he or they may have sustained thereby, it shall and may be lawful for such injured person or persons to apply, agreeably to the provisions of the sixth section of this act for the appointment of commissioners, for the purpose of assessing and ascertaining such damages, with the right of appeal and redress therein given.

Penalty for injuring road or works.

Sec. 12. *And be it enacted,* That if any person or persons shall wilfully or maliciously injure the said rail or McAdamized road, or any building, machinery, or other work of the said corporation, appertaining thereto, such person or persons shall forfeit and pay therefor, to the said corporation, three times the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Statement of cost and annual state-

Sec. 13. *And be it enacted,* That the president or treasurer of said company, shall within two years after the completion of the said road, file in the office of the secretary of this state, under oath or affirmation, a statement of the whole cost and expenses of the said road and appendages, and annually there-

after, a statement of the nett proceeds thereof; and whenever the annual nett proceeds shall amount to more than seven per centum per annum upon the cost of the said road with its appendages, the said company shall pay to the treasurer of this state, the one half of one per cent. per annum on the said cost, to be paid on the first Monday in January of each year.

ment of proceeds of road to be filed.

Payment to the state.

SEC. 14. *And be it enacted,* That it shall and may be lawful for the president and directors for the time being, or a majority in number of them, whenever they may deem it expedient, to call a special meeting of the stockholders, by giving the like notice as is hereinbefore directed, for choosing directors, specifying therein the object of said meeting; but that no business shall be transacted by such meeting unless there be present a majority in value of the stockholders, who may require any books, accounts, securities, or other papers of said corporation, to be exhibited before them.

Special meetings of stockholders.

SEC. 15. *And be it enacted,* That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever, and that the road authorized by this act, be, and the same is hereby declared to be a public highway subject to such regulations as are provided for in the eighth section of this act.

Road, public highway.

SEC. 16. *And be it enacted,* That this act shall not be so construed as to authorize the company to employ any of their capital in banking operations.

Capital not employed in banking.

SEC. 17. *And be it enacted,* That the said company may alter such parts of said route as they may deem proper; *provided* the same be not more than one mile distant from the line of said road as located by the sixth section; *Provided also,* that no land necessary for such alteration, shall be taken without first obtaining the assent of the owner or owners thereof.

Route of road may be altered.

SEC. 18. *And be it enacted,* That at the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid, or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment by the chief justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks notice to the said company,

When the state may take the road on payment of the cost.

the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking said road, upon the payment to the company of the amount of the said report within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road and of all the receipts and disbursements of the company: *Provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or the advance of stock; and the said valuation shall in no case exceed the first cost of said rail or McAdamized road, with the lands and appendages thereof: *And provided also*, that if the state should not take the said road at the expiration of fifty years, that then at the end of ninety-nine years from the date hereof the powers, privileges, and immunities hereby granted shall cease and determine.

Proviso.

Limitation of
charter.

Passed February 11, 1833.

AN ACT to incorporate the New Jersey Peat Company.

Style of in-
corporation.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That William Woodworth and his present and future associates be, and they are hereby declared a body politic and corporate, in fact and in name, by the name and style of "the New Jersey Peat Company," and, by that name and style, shall have succession, and be, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all manner of action or actions.

Capital stock.

SEC. 2. *And be it enacted*, That the stock of the said company shall consist of two thousand shares, of fifty dollars each: in the choice of directors, each share shall be entitled to one vote; there shall be five directors, one of whom shall be president.

Commission-
ers to open
books for sub-
scriptions.

SEC. 3. *And be it enacted*, That Littleton Kirkpatrick, Jacob Rutsen Van Rensselaer, William L. Stone, Cornelius Harson, and William W. Woodworth shall be commissioners to open books and receive subscriptions to the stock of the said com-

pany, and to distribute the same among the several subscribers, in such manner as they shall think best; and give public notice in two of the daily papers published in the city of New York, and in the two public newspapers printed in the city of New Brunswick three successive weeks, of the time and place for opening the books of subscription, and shall continue the said books open till three-fourths of the stock, at least, shall be subscribed; and as soon after a majority of the stock so subscribed for as may be convenient, they shall cause the like notice to be given for the choice of directors, at such time and place as they shall think proper; and they, or a majority of them, shall preside at such election, receive the ballots, and declare who, by a plurality of votes, are chosen directors, who shall thereupon be personally notified of their appointment, by the said commissioners, and who shall designate the time and place for their first meeting; and the said directors, or a majority of them, shall appoint one of their number president, and shall have power and authority to employ, hire, or contract with any and such and so many men as they shall deem best, for the purpose of cutting, raising, drying, and sending peat to market, and selling and disposing of it as they shall deem best for the interest of the company: at the time of subscription, there shall be paid, by each subscriber, the sum of five dollars on each share, to be held by the said commissioners till a good and sufficient title shall be obtained for the said peat bed, situate, lying, and being in the township of North Brunswick, in the county of Middlesex, and state aforesaid: the said president and directors shall have full power and authority to treat with, bargain, purchase, and procure from the present proprietors, or their legal representatives, a full and perfect title to the said peat bed, on the best terms they can; and in the event of their not being able to procure such title on satisfactory terms, they shall give notice of their non-agreement to the said commissioners, who shall, after deducting a ratable proportion of the expense attending the procuring of this act, and all incidental expenses, return the money, or deposit the same in the Bank of New Brunswick, to the credit of the several subscribers, according to the sums by them severally paid to the said commissioners, of which deposit they shall give the like notice as above directed.

President and directors to be chosen.

Powers.

Sec. 4. *And be it enacted*, That the said president and directors shall have full power and authority to call in the residue of the stock subscribed for, at such times and in such proportions as they may think proper and necessary for the use of the said company: they may pass such by-laws, rules, and regulations, for the government and management of the concerns of said company as they shall think proper, not inconsistent with the laws and constitution of this state or of the United States, and shall have, exercise, and enjoy all powers necessary for carrying into effect the object of this act.

May make by-laws.

Capital not to
be employed
in banking.

Act may be
altered or re-
pealed.

SEC. 5. *And be it enacted,* That the corporation hereby created shall not use any part of their capital or property in carrying on any banking operations.

SEC. 6. *And be it enacted,* That the legislature may alter, modify, or repeal this act, whenever, in their opinion, the public good requires it.

Passed February 8, 1833.

AN ACT respecting the sale of the real estate of Robert Young, deceased.

Preamble.

WHEREAS it appears to this legislature, that Robert Young, late of Elizabethtown, in the county of Essex, and state of New Jersey, died seized of several houses and lots of land situate in Elizabethtown aforesaid, and a lot of land in the township of Union, in said county, having first made a nuncupative will, bearing date on the third day of August, in the year of our Lord one thousand eight hundred and thirty-two, which has since been duly proved by Moses Chandler, the executor thereof, before the surrogate of said county.—**AND WHEREAS** in and by the said will, the said testator declared it to be his will, that the said executor should sell and dispose of all his estate, as he might think proper, and divide the proceeds among his children equally, share and share alike;—and Margaret H. Young and Elizabeth V. Young, two of the children of the said testator, of full age, and Charles Davis, the guardian of James Young, Christiana Young, and Jeanette Young, the other children of the said testator, who are minors, and the said executor, having, by their memorial, represented, that the interest of all parties concerned would be greatly advanced by a speedy sale of the said houses, lots of land, and real estate, and praying the passage of a law authorizing the sale thereof, and such appearing to have been the desire and intention of the said testator—Therefore,

M. Chandler
authorized to
sell the real
estate of R.
Young, dec.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Moses Chandler, the executor in the said nuncupative will named, be, and he is hereby authorized and empowered to sell all the real estate of the said Robert Young, deceased, and to make and execute all necessary and proper conveyances to the purchaser or purchasers of the same, and to divide the proceeds thereof among the children of the said Robert Young, deceased, according to their respective legal rights.

Passed February 11, 1833.

AN ACT to authorize Ann Wanmaker, administratrix of John Wanmaker, deceased, to fulfil a contract for the sale of a lot of land, made by the said John Wanmaker, deceased, with Cornelius J. Bogert.

WHEREAS it appears that John Wanmaker, late of the county of Bergen, deceased, did, in his lifetime, contract and sell, by a certain verbal contract, to Cornelius J. Bogert, a certain lot of land, situated in the township of Hackensack, in said county, containing about two acres of land, or thereabouts, and now in the possession of the said Cornelius J. Bogert, and that all the consideration money has been paid by the said Cornelius J. Bogert to the said John Wanmaker, in his lifetime; all which appearing just and reasonable—
Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Ann Wanmaker, administratrix of John Wanmaker, deceased, be, and she is hereby authorized and empowered to make a deed of conveyance unto the said Cornelius J. Bogert, and to his heirs and assigns, for a certain lot of land, in the township of Hackensack, in the county of Bergen, containing two acres of land, or thereabouts, now in possession of the said Cornelius J. Bogert, and which the said John Wanmaker, by a certain contract, in his lifetime, agreed to convey unto the said Cornelius J. Bogert; which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said lot of land as if the same had been made and executed by the said John Wanmaker in his lifetime.

Land of John Wanmaker, deceased, authorized to be conveyed to Cornelius J. Bogert.

Passed February 12, 1833.

AN ACT to incorporate the Columbia Glass Manufacturing Company.

WHEREAS it is represented, that a number of individuals have associated together, for the purpose of establishing and carrying on a manufactory of window glass and all other articles of glassware incidental to a glass manufactory, at the village of Columbia, in the county of Warren, in this state, and have erected suitable and necessary buildings for the purposes of said manufactory—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William Heyberger; C. D. William Lilliendahl,

Style of incorporation.

John J. Vankirk, Frederick Salade, Jacob Beck, and all such persons as shall hereafter be associated with them for the purpose expressed in the preamble to this act, their successors and assigns, shall be, and they are hereby incorporated, by the name of "the Columbia Glass Manufacturing Company," and, by the same name, they and their successors, and assigns, are hereby constituted a body politic and corporate in law, and shall be able and capable, in law, to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, and hereditaments within the said county of Warren, not exceeding in quantity five hundred acres, and in value ten thousand dollars, and goods and chattels necessary for the purposes aforesaid, and the said lands, tenements, and hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, and dispose of; also, to sue and be sued, plead and be impleaded, in courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at their pleasure.

Amount of capital stock.

How to be employed.

SEC. 2. *And be it enacted*, That the original capital stock of said company shall be twenty thousand dollars, with liberty to increase the same to any amount not exceeding, in the whole, one hundred thousand dollars, which stock shall be divided into shares of twenty dollars each, to be employed in manufacturing glass and other articles incident to a glass manufactory, and in purchasing such lands, tenements, hereditaments, and erecting thereon such buildings, at Columbia aforesaid, and doing such other matters and things as shall be needful for carrying on a manufactory or manufactories of the said glass and other articles, as is set forth in the preamble.

Time and mode of electing directors.

SEC. 3. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who, after the first directors, herein after named, shall hold their offices for one year, and until others are elected in their stead: that the first election for directors of said company shall be held on the first Monday in May next, and annually thereafter, at such time and place, in the village of Columbia aforesaid, as the directors for the time being shall direct, of which election public notice shall be given in all the newspapers printed in the county of Warren aforesaid, at least two weeks previous to such election; and every such election shall be by ballot, and each stockholder present, or by proxy, shall be entitled to as many votes as he shall hold shares of the capital stock of said company; and the persons, being stockholders, having the greatest number of votes, shall be the directors.

Duties of directors.

SEC. 4. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said company, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations, not repugnant to the laws and constitution of this

state or of the United States, as shall be necessary and convenient for the government, management, and disposition of the property, stock, effects, profits, and concerns of the said company, and shall and may appoint all such officers, agents, and servants of said company as to them shall seem necessary, and allow and pay them such compensation for their services as to them shall appear just and reasonable: and in case any vacancy shall happen in the office of director, by death, resignation, or otherwise, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy for the remainder of the year, by the appointment of any stockholder: and the first directors shall be William Heybergher, C. D. William Lilliendahl, John J. Vankirk, Frederick Salade, and Jacob Beck, who shall hold their offices until the first Monday in May, in the year of our Lord one thousand eight hundred and thirty-three, and until others shall be elected in their stead.

Vacancies,
how filled.

SEC. 5. *And be it enacted*, That it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively held, and all previous payments made thereon, if such payments shall not be made within sixty days after notice requiring such payment shall have been published for that time in the public newspapers printed in the county of Warren aforesaid, and in case any stockholder shall reside in the city of New York or Philadelphia, then in one or more of the public papers printed in those cities respectively: *Provided* it shall not exceed three dollars on each share subscribed, at any one time, nor at shorter periods than fifty days between the times of calling in said payments.

Stock forfeit-
ed on failure
to pay install-
ments after
notice.

Proviso.

SEC. 6. *And be it enacted*, That in case at any time an election should not be made on the day specified in this act, the corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as shall be prescribed by the by-laws and ordinances of the said corporation.

Corporation
not dissolved
for failure of
electing on
day prescrib-
ed.

SEC. 7. *And be it enacted*, That the stock and property of the said company, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation, but no transfer of stock shall be valid, unless it be entered or registered in the book or books, to be kept by the president and directors for that purpose.

Stock to be
deemed per-
sonal estate.

SEC. 8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their office or manufactory, proper books of account, in which shall be regularly entered all the transactions of the said company; which books shall

Book open to
inspection of
stockholders.

always and at all times be open to the inspection of the stockholders of said company.

Not to engage in banking.
Limitation of charter.

SEC. 9. *And be it enacted*, That no dividend shall be made among the stockholders, except out of the profits of the business of the said company, and that the said company shall not employ any of their funds in any banking or insurance operations, and that this act shall be and continue in force for the term of fifty years from the passing thereof, and from thence until the next session of the legislature, and no longer.

Passed February 12, 1833.

A Supplement to the act entitled, "An act to prevent in certain cases, the abatement of suits and reversal of judgments."

Representative of deceased plaintiff may be inserted as complainant in a suit in chancery.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in every suit or action, in the court of chancery, in which any bill has been, or shall be filed, and the subpoena returned, served, and in which there was, is, or shall be, but one plaintiff, or one defendant, and the said plaintiff hath died, or shall die, the lawful representative or representatives of such deceased plaintiff, or any other person or persons interested, by the death of such plaintiff, shall and may, upon affidavit thereof by him, her or them, or any other person or persons, and on motion made in court, be, by rule or order of the court, inserted as a complainant or complainants, in the said suit, and be permitted to make such amendment in the bill or bills of complaint, as his, her, or their title or interest therein may require; and upon such terms as the court may direct; to which amendment or amendments the defendant or defendants shall be compellable, by rule or order of the said court, to answer, proceed to issue, and examination of witnesses, and productions of proofs, and all other proceedings shall be had thereon, as in ordinary cases.

Plaintiff may make representative of deceased defendant, party to suit.

SEC. 2. *And be it enacted*, That if in any such suit, in which there was, is or shall be, but one defendant, and the said defendant has, or shall happen to die, and the plaintiff or plaintiffs choose to make the representative or representatives of the deceased party, or others who have, or may become interested by the death of such decedent parties to such suit, no bill of revivor or subpoena ad revivendum shall be necessary; but the court shall and may, by rule or order, as often as there shall be occasion for it, direct the suit to stand revived; which rule or order shall be served as the court may direct; and

unless the representative or representatives of such deceased party, or others, who may become interested by the death of such party, shall, within such time after service, as aforesaid, as the court shall limit and appoint, appear and put in their answer, or signify their disclaimer of the suit, and the matters in controversy therein, the plaintiff or plaintiffs may cause his or their appearance to be entered, and in such case the answer of the deceased party, if any there be, shall be deemed and taken as, and for the answer of such representative or representatives, or other person or persons interested by the death of such party; and such further proceedings may and shall be had in the said suit, as are according to equity, and the rules and practice of the said court.

Sec. 3. *And be it enacted,* That in case of the death of any sole plaintiff, if his lawful representative or representatives, or such other person or persons as shall become interested by his death shall not, within such time as the court may limit and appoint for that purpose, cause himself, herself, or themselves to be entered as complainant or complainants in the said suit, in the room of such deceased plaintiff; or in case of the death of any sole defendant, if the plaintiff or plaintiffs shall not make the representative or representatives of the deceased defendant, or others who may have become interested by the death of such decedent party or parties to such suit, and cause the said suit to stand revived, within such time as the court shall limit and appoint for that purpose; that then, and in every such case, the said suit shall be considered as at an end, and shall not be revived in the manner provided for by this act.

Representative of sole plaintiff deceased, not making himself party, or plaintiff failing to make representative of sole defendant party, suit at an end.

Sec. 4. *And be it enacted,* That hereafter the rule or order required by the fifth section of the act, to which this is a supplement, to be served on the clerk, shall be served on such person or persons as the court may direct.

Rule to be served as the court may direct.

Sec. 5. *Provided always,* That nothing in this act contained shall prevent the reviving of any such suit, as before mentioned, by bill of revivor, when the plaintiff or his representative or representatives, or others, who may become interested by the death of such plaintiff, may prefer that course of practice; or when the court may deem it expedient to direct that course of practice to be pursued.

Right of reviving suit by bill of revivor, not affected.

AN ACT making provision for a compilation of the public laws of this state.

Governor to appoint a person to compile public laws and acts of incorporation.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the governor of this state be, and he is hereby authorized, to employ some fit and proper person or persons to compile and prepare for the press; all such legislative acts, and parts of acts, as are general, and of a permanent nature, and affect the public at large, and which have been passed since the last revision of the public laws of this state, and are in force, or shall be enacted at the present session of the legislature, or in time to be included within the compilation; and all acts of incorporation which are declared to be public acts, and which have been passed within the same period of time, and are now in force; with authority to correct all errors in the orthography of the said laws, or in the punctuation thereof.

Acts printed in chronological order, with marginal notes.

SEC. 2. *And be it enacted,* That the acts be printed in chronological order, with marginal notes of the contents of each law, opposite the sections thereof, and particular references to all the other acts on the same subject, or relating thereto, in the new edition, or in any former compilation or edition of the laws.

Manner of publication.

SEC. 3. *And be it enacted,* That the work be published in octavo form in one volume, and on paper, and with types as good as those of the last revision of the laws of this state, and with a copious alphabetical index of all the matters contained in this new compilation, and in the last revision of the public laws of this state.

Compiler to have access to public records.

SEC. 4. *And be it enacted,* That the compiler have free access to, and be permitted to examine any of the public records, papers, and books of this state, for the purposes aforesaid, without fee or reward, and that the legislature give a sanction and authority to this new edition of the laws, as published under their authority.

Compensation.

SEC. 5. *And be it enacted,* That the governor be, and hereby is authorized, to agree with the said compiler, or with any other person or persons, for the printing and binding of the said compilation, on such reasonable terms of compensation as to the governor may seem proper, for the execution of the said work, and to subscribe on the part of this state, for such number of copies, and at such price as may be agreed upon, not exceeding two hundred and fifty copies, and if preferred by the person or persons undertaking the same, to leave the further compensation, if any, to be made for the labor of compiling the said laws, to the discretion of the legislature, when the same shall be finished.

Passed February 12, 1833.

A Supplement to the act, entitled, "An act concerning idiots and lunatics," passed the twenty-eighth of February, eighteen hundred and twenty.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That when in cases of idiocy or lunacy found, the chancellor shall order to be transmitted to the orphans' court, a certified copy of all proceedings which may be had thereon, and the same shall be recorded and filed in the surrogate's office of the county where such idiot or lunatic may reside, in the manner directed by the first section of the act, to which this is a supplement, and if it shall so happen that the orphans' court of said county shall not be then sitting, it shall and may be lawful for any one of the judges of the said orphans' court, forthwith to call an orphans' court, to be holden at the usual place of holding said court, and the said orphans court so convened, shall and may proceed to appoint such person or persons as guardian or guardians of the said idiot or lunatic, with such power and under such regulations and restrictions as are mentioned and contained in the act, to which this is a supplement.

Orphans' court to be called to appoint guardians for lunatics and idiots

Passed February 12, 1833.

AN ACT for the enclosure of a certain tract of woodland, at Pascack, in the county of Bergen.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of all that tract of woodland, situated at Pascack, in the township of Harrington, in the county of Bergen, bounded, beginning on the northeasternmost corner of said tract, at the public road leading from Saddle river to Pascack, and northwest corner of Frederick F. Wortendyke's cleared land, running from thence south, nineteen degrees east, seven chains; thence south, six degrees west, five chains and ninety links; thence south, twenty-five and a half degrees east, one chain and fifty-five links; thence south, seventy-one and three quarters degrees east, seven chains and fifty-five links; thence south, eighteen and a half degrees west, two chains and fifty-eight links; thence south, seventy and a half degrees east, one chain; thence south, twelve degrees west, one chain and thirty links; thence north, eighty-nine and a half degrees east, one chain

Boundaries of a tract of woodland at Pascack in Bergen county, to be fenced in common.

and seventy links, to cleared land of Henry H. Banta; thence south, five and a quarter degrees west, seven chains and ninety links; thence north eighty-seven and a half degrees east, nine chains and forty-five links, to a hickory tree; thence south, sixteen and a quarter degrees east, one chain and ninety links, to the Pascack public road, near the house of Henry H. Banta; thence south, eleven degrees west, nine chains and fifty-nine links; thence north, eighty-four and a half degrees west, one chain and sixty-five links; thence south, seventeen degrees west, three chains and eighteen links; thence north, seventy-five degrees west, five chains and forty links; thence south, twenty-three and a quarter degrees west, twelve chains; thence north, sixty-two and a half degrees west, four chains and twenty-five links; thence south thirty-two degrees west four chains and twenty-eight links; thence north sixty-two degrees west, six chains; thence south, twenty-one and a half degrees west seven chains to the public road, leading from Wierimus to Pascack; thence north, forty-seven and a quarter degrees west, nine chains and ninety links; thence north, twenty-two and a half degrees west, three chains and eighty links; thence north, twenty-four degrees east, one chain and fifty-five links; thence north, eleven and one quarter degrees east, eight chains and fifty-five links; thence north, sixteen and a half degrees east, ten chains to a stake; thence north, sixty-four degrees west, seventy links; thence north, eighteen and three quarter degrees east, four chains and ten links; thence north, sixteen and a half degrees east, three chains; thence north, twenty-four degrees east, two chains and twenty-five links; thence north, sixty-six degrees west, one chain and twenty-seven links: thence north, twenty-one and a half degrees east, eighteen chains and ten links, to the said first mentioned public road, thence along the same north, eighty-four degrees east, three chains, to the place of beginning, to fence the same in common, and to erect and maintain such swing gates as they may deem proper, and that from and after the enclosing the same as aforesaid, no person or persons, whatsoever, shall drive or let in any horses, cattle, sheep, or hogs, with intent to let them run at large in said tract: *Provided always*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning his horses, cattle or sheep, on such part of the said tract as may belong to him, or her, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of the said tract.

Swing gate to
be maintain-
ed.

Proviso.

Penalty for
trespassing
on enclosure,
or injuring
fences or
gates.

SEC. 2. *And be it enacted*, That if any person whatsoever, shall drive or let in any horses, cattle or sheep, into the said tract, after the same shall be enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing gates thereon, they shall be liable to a penalty of ten dollars, and if any person or persons shall leave open any bars or swing gates thereon, either negli-

gently or wilfully, he shall be liable to a penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the trustees hereinafter mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt, and the proceeds thereof, after paying the costs and expenses of suing for and recovering the same, shall be applied to repairing the fences and swing gates round the said tract.

SEC. 3. *And be it enacted*, That if any horses, cattle, sheep, or hogs, be found running at large in said tract, it shall be lawful for any person so finding them to drive them to any public pound in the township of Harrington, leaving with the keeper of such pound, an affidavit that such horses, cattle, or sheep were found running at large on said tract, and it shall be the duty of such pound keeper to receive and keep the horses, cattle, and sheep so delivered to him, until the owner thereof shall pay to him the cost and fees of impounding the same, together with damages, if any incurred, and such pound keeper shall collect and receive the same in the same manner, and shall be entitled to the same fees and be subject to the same penalties, and shall, in all matters, proceed as is directed by an act entitled, "An act regulating fences," passed January the twenty-third, seventeen hundred and ninety-nine.

Horses, cattle, &c., may be impounded

SEC. 4. *And be it enacted*, That a majority of the owners of said tract shall meet on the first Tuesday of April next, at the house of Henry H. Banta, at Pascack, in the township of Harrington, and on the first Tuesday in each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose, from among themselves, three persons to be trustees of said lands, who shall hold their office for one year, or until their successors shall be appointed.

Time and mode of electing trustees.

SEC. 5. *And be it enacted*, That the trustees elected as aforesaid shall designate the line of the fence to be erected around the said tract, and shall assign, by marks and measurement, to each of the owners of said tract a part of the said fence to make and maintain, in proportion to the number of acres owned by him or her therein, and if, after such assignment, and notice thereof, any of the said owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses from the person or persons so refusing, and their legal representatives, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees to cause a lawful fence, at all times, to be kept up and maintained around the abovesaid tract.

Duties of trustees.

SEC. 6. *And be it enacted*, That each trustee shall be entitled to receive seventy-five cents per day for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to their interest therein, and shall be assessed, by the said trustees, according to the number of acres

Compensation of trustees.

held by each owner of said tract, and shall make out a duplicate list of the amount assessed upon the property of each individual, who, upon refusal or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places near the premises for the space of thirty days, shall be liable to prosecution before any court having competent jurisdiction of the same, in an action of debt, with cost of suit.

Passed February 13, 1833.

AN ACT to authorize a trustee, therein named, to sell certain real estate late of Isaac Ely, deceased.

Preamble.

WHEREAS Isaac Ely, late of the township of East Windsor, in the county of Middlesex, and state of New Jersey, died intestate, in the western country, in the autumn of eighteen hundred and twenty-six, leaving a wife and six children at his residence in the aforesaid township: and one half of an undivided estate, part of said farm being situate in the county of Monmouth, and the other part, together with the buildings, in the county of Middlesex. In April, eighteen hundred and twenty-nine, Mrs. Ann Ely, widow of Isaac Ely, deceased, and in December, eighteen hundred and thirty, Isaac S. Ely, their eldest son, died, leaving, at this time, three daughters and two sons, namely: Emeline Ely, aged seventeen years, Andemina Ely, aged thirteen years, Elizabeth Amanda Ely, aged eleven years, John W. Ely, aged eight years, and Enoch A. Ely, aged seven years, who inherit the right of their father in the aforesaid undivided farm.

WHEREAS it is represented, by petition to the legislature, by Enoch Chamberlin, guardian of the persons and estates of the above named minors, that it would greatly conduce to their interest and advantage to make sale of the above named premises—Therefore,

Trustee authorized to sell real estate of Isaac Ely, deceased.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Enoch Chamberlin be, and he is hereby appointed a trustee, with full power and authority to sell and convey that undivided portion of lands belonging to his said wards, Emeline Ely, Andemina Ely, Elizabeth Amanda Ely, John W. Ely, and Enoch A. Ely, which is hereby before mentioned, for the highest sum or sums of money the same will bring, and to execute, make, and deliver a good conveyance or conveyances in the law therefor.

SEC. 2. *And be it enacted,* That before the said Enoch Chamberlin shall enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, with such surety and in such amount as shall be approved by three judges of the orphans' court of the county of Middlesex, conditioned for the faithful performance of the trust reposed in him by this act, which bond shall be deposited in the office of the secretary of this state. Trustee to give bond.

SEC. 3. *And be it enacted,* That the said Enoch Chamberlin, within six months after the sale of said real estate shall be completed, shall exhibit, under oath, to the surrogate of the said county of Middlesex, an exact statement of the amount of the said sales and of the amount he has received for his respective wards' shares of the proceeds of the same, to be by him recorded and filed in the surrogate's office; and that the said Enoch Chamberlin shall be accountable for all moneys by him received for his respective wards, by virtue of this act. To account to the surrogate of Middlesex.

Passed February 13, 1833.

AN ACT to dissolve the marriage contract between Samuel Williams and Mary Williams.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Samuel Williams and Mary Williams, of the county of Essex, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony. S. Williams and M. Williams divorced.

Passed February 13, 1833.

AN ACT to provide for the erection of a new State Penitentiary.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That a state penitentiary, capable of holding one hundred and fifty prisoners, on the principle of separate confinement, with hard labor, shall be erected on the lands belonging to the state, contiguous to where the present prison now stands, State penitentiary to be erected.

and the yard to be so constructed that one hundred and fifty cells may be added, should they become necessary.

Commissioners appointed.

SEC. 2. *And be it enacted*, That the following named persons, viz: Joseph Kaighn, Charles Parker, and William R. Allen be, and they are hereby appointed commissioners for the erection of the said penitentiary, whose duty it shall be to make all the necessary contracts for the building of the said penitentiary, taking security for the faithful performance of the work in a good and workmanlike manner, and which said commissioners, or either of them, shall not be concerned, or derive any advantage or profit from the said contracts, as principals, agents, or otherwise; and in case of the death or resignation of any or either of the said commissioners before the completion of their trust, the governor shall appoint suitable persons to fill the vacancy.

Mode of construction.

Proviso.

SEC. 3. *And be it enacted*, That the said penitentiary shall be constructed on the plan of the state penitentiary for the eastern district of the state of Pennsylvania, subject to such alterations and improvements as the said commissioners, or a majority of them, may from time to time approve and direct: *Provided always*, that the principle, of the separate confinement of the prisoners with hard labor, be preserved and maintained.

Duties of commissioners.

SEC. 4. *And be it enacted*, That the said commissioners are hereby authorized and empowered to employ, in the erection of said penitentiary, a principal and competent architect and superintendent, and the said commissioners are hereby vested with all the necessary power to cause the said penitentiary to be erected and completed: they shall cause all the accounts in relation thereto, to be accurately kept and stated, and shall from time to time deliver copies thereof, with the vouchers, to the treasurer of this state, by whom they shall be audited and stated; which accounts, when so audited and stated, shall be laid before the governor, who shall thereupon draw his order on the treasurer for the payment of the same: and further, the said commissioners shall receive such compensation for their services as the governor shall deem just and reasonable.

Money appropriated for the building.

SEC. 5. *And be it enacted*, That the sum of thirty thousand dollars be, and is hereby appropriated to be paid on warrants drawn by the governor, in favor of the said commissioners, on the treasurer of this state, to be by them applied in erecting the penitentiary aforesaid: *Provided*, that not more than the sum of twelve thousand dollars shall be drawn by the governor, as aforesaid, on or before the first day of November next: *And provided also*, that the governor shall have full power to draw warrants for said money in such installments only as, in his opinion, the progress of the work requires.

Commissioners to account to the governor and legislature.

SEC. 6. *And be it enacted*, That the said commissioners, or a majority of them, shall make a full report of their accounts, receipts, and disbursements, and generally of their acts and proceedings, to the governor of this state, from time to time,

whenever he shall require it, and annually to the legislature of this state, accompanied with such other information, in reference to the subject, as they shall deem proper to communicate.

SEC. 7. *And be it enacted*, That the said commissioners, with the consent and approbation of the keeper and acting inspectors of the state prison for the time being, shall be authorized and empowered to employ the convicts upon such work in the erection of said penitentiary, as they are competent to perform, paying due regard to their security and discipline.

Convicts may
be employed
in building.

Passed February 13, 1833.

AN ACT to incorporate the Beneficial Society of the city of Burlington.

WHEREAS a number of the inhabitants of the city of Burlington and its vicinity, in this state, have formed themselves into an association, or society, to which they have given the name of "the Beneficial Society of the city of Burlington," the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness, casualty, or other cause, be rendered incapable of attending to their usual trade or calling, and also towards the decent interment of deceased members, or the deceased wives of members.—AND WHEREAS it is believed an act of incorporation will promote the objects of the society, and add to the security of the property, and the said society having, by petition presented to the legislature, prayed to be incorporated—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That James Sterling, Joseph L. Powell, Charles Vansiver, Doctor Charles Ellis, George P. Mitchell, William R. Allen, Michael Hays, John S. Griffith, and all such other persons, not exceeding four hundred, as now are, or hereafter shall become members of the said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Beneficial Society of the city of Burlington," and, by such name, they shall have succession and continuance, and be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have

Style of incorporation.

power to change and alter the same at pleasure; and, by their name as aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching, and concerning the objects of the said incorporation.

Officers to be elected. SEC. 2. *And be it enacted,* That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president, vice-president, treasurer, and secretary, and such other officers and assistants as shall be deemed necessary, who shall be elected by ballot, by a majority of members present at such election, at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint and direct.

Property vested in the company. SEC. 3. *And be it enacted,* That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body politic and corporate hereby instituted; which said body politic and corporate shall, by the name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any land, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same: *Provided,* that the clear yearly value or income of the real and personal estate of the said corporation shall not exceed the sum of one thousand dollars.

Amount thereof limited.

Powers of company. SEC. 4. *And be it enacted,* That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time alter, amend, or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business, and for effecting the purposes of the society aforesaid, as to the members of the society, or a major part of them, duly met, shall be deemed right and proper: *Provided,* that nothing in the said constitution and by-laws be repugnant to the constitution and laws of the United States or of the state of New Jersey.

Proviso.

Exclusive objects of incorporation. SEC. 5. *And be it enacted,* That the sole and exclusive objects of the society hereby incorporated shall be, the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of members or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as will accrue by carrying into effect the objects set forth in the preamble, as well in this, as in the foregoing sections of this act: and no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act.

SEC. 6. *And be it enacted,* That it shall be lawful for the

council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper. Act may be altered or repealed.

Passed February 13, 1833.

AN ACT to divorce Rhoda Allen from her husband David D. Allen.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Rhoda Allen be, and she is hereby divorced from her husband David D. Allen, and that the marriage contract heretofore existing between the said David D. Allen and Rhoda his wife be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony. David D. Allen and Rhoda Allen divorced.

Passed February 14, 1833.

AN ACT authorizing the sale of a part of the state lands at Paterson.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the attorney general be, and he is hereby authorized to sell and convey, in behalf of this state, unto the trustees of St. Paul's Church of Paterson, a plot, not exceeding five acres, of the land at Paterson, belonging to the state, for the uses and purposes of a burial ground; and that he fix the price of the same, agreeably to the present just and proper value thereof. Attorney general empowered to sell part of state lands at Paterson for burial ground.

Passed February 14, 1833.

AN ACT relative to incorporation, and other purposes.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That when any association shall be formed for any pur- Persons applying for acts of incorpora-

tion, or erection of bridges, to advertise previously.

pose whatever, after the fourth day of July next, or any person or persons shall be disposed to make application to the legislature of this state for an act of incorporation, or any company or association already incorporated shall be disposed to make application for a renewal of their charter, or any alteration in the law so incorporating them, or when any application shall hereafter be made for the purpose of obtaining a law authorizing the erection of a bridge over any navigable water in this state, it shall be the duty of such person or persons so applying or associated, or the directors or stockholders of such incorporation, or some of them, to signify his or their intention, by advertisement, to be inserted for at least six weeks, successively, previous to making such application, in one or more of the newspapers published in the county where the objects of such association or incorporation are carried, or intended to be carried into effect; and if no newspaper be published in such county, then in the newspaper or newspapers published nearest to the same, and specify the objects of such incorporation or applications, the amount of capital stock requisite to carry their objects into effect; and in case of an application for any alteration in any charter already granted, it shall be the duty of the stockholders or directors of such incorporation to state in such notice, specifically, the alteration so to be applied for, and that due proof shall be made of such notice having been published previous to leave being given to bring any bill to comply with such application.

Passed February 14, 1833.

AN ACT for the appointment of commissioners to make sale of the real estate of Samuel Potter, deceased, and for other purposes therein mentioned.

Preamble.

WHEREAS it is represented to the legislature, that Samuel Potter, late of the township of Bedminster, in the county of Somerset, departed this life on or about the fifteenth day of December, in the year of our Lord eighteen hundred and thirty-one, intestate, seized of considerable real estate, situate in the counties of Somerset and Morris, in this state, and also possessed of considerable personal property, leaving issue Jonathan Potter, Sarah, the wife of Hugh Bartley, his children, and Samuel P. Mulford, Barnabas T. Mulford, William P. Mulford, Eleazer H. Mulford, Mahlon W. Mulford, and Mary Elizabeth Mulford, children of Thomas Mulford and Elizabeth his wife, which said Elizabeth was the

daughter of the said Samuel Potter, deceased, and died in the lifetime of her father; that administration of the estate of the said Samuel Potter, deceased, hath ben granted to Elias Brown and John Frelinghuysen; that Samuel P. Mulford, one of the children of the said Thomas Mulford and Elizabeth his wife hath since died intestate and without issue; that administration of the estate of the said Samuel P. Mulford hath been granted to the said Barnabas T. Mulford and William P. Mulford; that the said Mahlon W. Mulford and Mary Elizabeth Mulford are minors, under the age of twenty-one years; and that guardianship of the person and estates of the said minors hath been granted to the said William P. Mulford; that the said Jonathan Potter has also departed this life since the decease of his father, the said Samuel Potter, intestate, leaving his widow, Hannah Potter, and issue Dennis Potter, Sering Potter, Samuel Potter, Sarah, the wife of John McKinstry, junior, Thankful, the wife of Benyew Dunham, Jonathan Potter, and Mary Potter; that administration of the estate of the said Jonathan Potter, deceased, hath been granted to Joseph Smith, Sering Potter, and John McKinstry, junior; that Dennis Potter, one of the sons of the said Jonathan Potter, deceased, hath since departed this life, intestate, leaving a widow, Mary Ann S. Potter, and issue a daughter, Margaret Malvina Potter, who is an infant under the age of twenty-one years; that administration of the estate of the said Dennis Potter, deceased, and also the guardianship of the person and estate of the said Margaret Malvina Potter, his only child and heir, have been granted to Philip Hiler; that the said Jonathan Potter and Mary Potter, children of the said Jonathan Potter, deceased, are infants under the age of twenty-one years; and that the guardianship of the persons and estates of the said infants hath been granted to the said Sering Potter—AND WHEREAS the said Elias Brown and John Frelinghuysen, administrators of Samuel Potter, deceased; the said Hugh Bartley and Sarah his wife, Barnabas T. Mulford, William P. Mulford, Eleazer H. Mulford, the said Barnabas T. Mulford, and William P. Mulford, administrators of the said Samuel P. Mulford, deceased; the said William P. Mulford, guardian of the person and estate of the said Mahlon W. Mulford and Mary Elizabeth Mulford, the said Joseph Smith, Sering Potter, and John McKinstry, junior, administrators of the said Jonathan Potter, deceased; John McKinstry, junior, Sarah his wife, Benyew Dunham and Thankful his wife, Sering Potter; the said Sering Potter, guardian of Jonathan Potter and Mary Potter; the said Philip Hilar, administrator of the estate of Dennis Potter deceased, and guardian of the person and estate of the said Margaret Malvina Potter; and the said Mary Ann S. Potter, have, by their petition, prayed for the passage of a law appointing Isaac Southard, of the county of Somerset,

Isaac G. Farlee, of the county of Hunterdon, and Thomas Dickerson, of the county of Morris, commissioners, with full power and authority to make sale of all the real estate whereof the said Samuel Potter, deceased, died seized; to inquire into, ascertain, and finally determine the claims, rights, and shares of the several heirs and representatives of the said Samuel Potter, deceased, to his estate, both real and personal, and whether any advancements were made by the said Samuel Potter, deceased, to any of his children, and to charge them therewith; also to effect a settlement of all private claims of said heirs against said deceased, and claims of the estate of said deceased against the said heirs; and that said commissioners, having made sale of said estate, and having ascertained the claims of said heirs, may be authorized to pay the same to them—Therefore,

Commissioners appointed to sell real estate whereof S. Potter died seized.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That* Isaac Southard, of the county of Somerset, Isaac G. Farlee, of the county of Hunterdon, and Thomas Dickerson, of the county of Morris, be, and they are hereby appointed commissioners, with full power and authority to sell and dispose of all the real estate whereof Samuel Potter, late of the township of Bedminster, in the county of Somerset, deceased, died seized, situate in the counties of Somerset and Morris, in this state, for the highest and best price that can be reasonably obtained for the same, at public vendue, upon giving thirty days' notice of the time and place of the said sale, in four of the most public places in each of the said counties, and also in one of the public newspapers circulating in each county; and to make, execute, and deliver the purchaser or purchasers thereof, or to their heirs or assigns, deeds of conveyance in fee simple, sufficient in law to convey and assure to purchaser or purchasers, their heirs and assigns, all the estate, right, title and interest, which the said Samuel Potter, in his lifetime, and at the time of his death had, and which his heirs and their lawful representatives now have, of, in, and to the said premises; and that the said commissioners have full power and authority to ascertain and determine whether any, and what advancements of the real or personal estate hath been made by the said Samuel Potter, in his life time, to any, and which of his said children or issue, with which by law they ought severally or respectively to be charged in the settlement and adjustment of their several and respective shares of the real and personal estate of the said Samuel Potter, deceased, and to ascertain the amount of such advancements, and charge the same to such children or issue, so advanced respectively; and also to inquire into, ascertain and determine, all private accounts, claims and demands of the said children or issue, or any of them, respectively, against the said deceas-

To ascertain advancements made to heirs.

To settle all claims of heirs against the estate.

ed; and of the said deceased against his children or issue, or any of them respectively; and to adjust, liquidate and settle the same; and ascertain the balances, if any, due thereon, and to charge the same to the said children or issue, or their lawful representatives, as the case may require; and to audit, state, liquidate and settle the account of the personal estate of the said Samuel Potter, deceased, which came to the hands of his administrators, or to the hands of any other person or persons, by their assent or their use, and with which they ought to be charged; and ascertain the net amount of said personal estate remaining after payment of debts, and funeral and other necessary expenses; and after having made sale of the said real estate, and ascertained the nett proceeds thereof, after deducting the reasonable and necessary expenses of executing the trust reposed in them by this act, and the net amount of the personal estate after payment of debts and expenses, and the amount of said advancements made by the said Samuel Potter, deceased, to any of his said children or issue; and settle and ascertain the balances, if any, due from the said deceased to his said children and issue, respectively, to the estate of the said deceased, and charged or credited the same accordingly; to ascertain and determine the rights, shares, and proportions of the net proceeds of the said real and personal estate, to which the said children or issue respectively are entitled, according to the laws of this state regulating the descent of real estate, and the settlement and distribution of personal estates of intestates; and after charging such advancements, and charging or crediting, as the case may require, the balances of any that may be found due upon such private amounts or demands, finally to ascertain and determine the amounts or balances due to each of the said children or issue of said deceased respectively thereupon; which shall be paid to the said children or issue of said deceased, or their guardians or lawful representatives accordingly.

To settle account of personal estate with administrator.

To ascertain the balances to be paid to each heir,

and pay the same to those entitled.

Sec. 2. And be it enacted, That it shall be the duty of the said commissioners to make report in writing, under their hands, of the sales made by them of the real estate of said deceased, and the net proceeds thereof, after deducting the reasonable and necessary expenses of executing the trust reposed in them by this act; also of the settlement of the personal estate, and the net amount thereof, after payment of debts and expenses; of the amount of the advancements of real and personal estate made by the said deceased to any of his said children or issue, respectively; and if the amount or balances due from the said deceased to any of his said children or issue, respectively, or from any of his said children or issue, respectively, to the estate of the said deceased, on private accounts or demands, of the shares or proportions of the real and personal estate of said deceased, to which the children or issue of said deceased are respectively entitled by law; and the amounts or balances due

Commissioners to report to the ordinary.

to each of the said children or issue, respectively, after charging or crediting such advancements or balances due on private accounts and demands; and of the final distribution of the proceeds of such real and personal estate to and among the said children or issue of the said deceased, their guardians, or lawful representatives; which report shall be made to the ordinary and surrogate general of this state, and filed in the clerk's office of the prerogative court, and, after the same shall have been approved of and confirmed by the said ordinary, shall be final and conclusive to all parties concerned: and the said ordinary shall have full power and authority to take order in the said premises, and to confirm the said report, or to alter and amend the same, or to set the same aside, to send back the same to the said commissioners with proper instructions for the correction or amendment thereof, or touching any matter relating to the said estate, according to law, as the justice of the case may require; and finally to enforce and carry the said report and proceeding into full effect: *Provided*, that nothing in this act contained shall be taken or construed to prejudice the right or claim of dower in said real estate of the widow of the said Jonathan Potter or Dennis Potter, deceased, or the right or title of any persons, other than the said children or issue of said Samuel Potter, deceased, having paramount right or title to said real estate, or any part thereof.

Proviso.

Receipts may be recorded by surrogate of Somerset.

SEC. 3. *And be it enacted*, That all receipts or vouchers given by the said children or issue of said deceased, their guardians or personal representatives, for the moneys paid to them, respectively, for or on account of their respective shares of the said real or personal estate, or any part thereof, may be proved and recorded in the surrogate's office of the said county of Somerset, in the same manner that receipts for legacies and distributive shares of intestates are directed by law to be proved and recorded.

Commissioners to give bond.

SEC. 4. *And be it enacted*, That the said commissioners, before they enter upon the duties of their said office, shall give bond to the ordinary or surrogate general of this state, in such sum, and with such security as the surrogate of the county of Somerset shall approve, conditioned for the faithful performance of the trust confided to them; which bond shall be filed in the office of the said surrogate, for the benefit of all persons concerned.

Passed February 15, 1833.

AN ACT to authorize the conveyance of certain real estate of John Warne, deceased.

WHEREAS John Warne, junior, and Samuel Warne, administrators of the goods and chattels, &c., of John Warne, senior, late of the township of Alexandria, in the county of Hunterdon, deceased, did, at the term of October, in the year of our Lord one thousand eight hundred and thirty-one, of the orphans' court of said county of Hunterdon, upon their exhibit, made under oath, of the debts and credits of their intestate, obtain the final order and decree of said court for the sale of the real estate of said intestate, situate in said county, and, in pursuance of said decree, did proceed to advertise and sell the same, agreeably to law—**AND WHEREAS**, before the making and execution of the deeds of conveyance of the lands so sold, by virtue of said decree, to the purchasers thereof, the said John Warne, junior, did clandestinely depart the state of New Jersey, without the knowledge of his co-administrator, and hath ever since, and still doth continue to absent himself, and doth neglect or refuse to make known, to his co-administrator, the place of his residence; by reason whereof no deeds of conveyance have been, or can be made to the purchasers of said real estate, without the aid of the legislature in the premises—Therefore,

Preamble.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all deeds of conveyance of the real estate and premises, or any part thereof, above mentioned, sold as above mentioned, made and executed under the hand and seal of the said Samuel Warne, alone, shall be as good and effectual, to all intents and purposes, and shall vest the purchaser or purchasers thereof, or of any part thereof, with as good a title and estate therein as if the said deed or deeds had been made and executed under the hands and seals of both the said administrators.

S. Warne empowered to make deeds for lands of J. Warne, deceased, sold by order of orphans' court.

Passed February 15, 1833.

A Supplement to the act entitled, "An act to alter and amend the act entitled an act concerning inns and taverns," passed June first, eighteen hundred and twenty.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person or persons shall, without a license

Fine for re-
tailing ardent
spirits with-
out license.

Proviso:

for that purpose first had and obtained, according to law, sell, by retail, any rum, brandy, wine, or spirits, of any kind, or any other liquid of which distilled spirits shall form a component part, except such as are compounded or used for medicine, under the quantity of one quart, he or she so offending shall forfeit and pay, for every such offence, ten dollars, to be recovered by action of debt, with costs, in any court of record having cognizance thereof, by any person who may prosecute for the same in the name of the overseer or overseers of the poor of the township in which such offence may take place, one half for the benefit of the person so prosecuting, and the residue for the use of the poor of such townships: *Provided*, that such prosecution shall be commenced within six calendar months after said offence shall have been committed: *Provided also*, that nothing in this act contained shall be so construed as to prevent or impair any prosecution or proceeding by indictment under the fourth section of the act to which this is a supplement.

Passed February 15, 1833.



A Supplement to an act entitled, "An act to incorporate the Mechanics Bank at Paterson."

Affidavit of
stock paid in,
to be filed.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that the whole of the capital stock of the said corporation shall have been subscribed, and seventy-five thousand dollars thereof paid in, conformably to the provisions of said act, and the whole of the tenth section, to which this is a supplement, be, and the same is hereby repealed.

Part of a former act re-
pealed.

SEC. 2. *And be it enacted*, That so much of the fourth section of the act, to which this is a supplement, which requires at least ten of the directors of said bank to be citizens of this state, be, and the same is hereby repealed.

Passed February 15, 1833.

AN ACT to divorce Hannah Lawrence from her husband Amos Lawrence.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Hannah Lawrence be, and she is hereby divorced from her husband Amos Lawrence, and that the marriage contract heretofore existing between them, the said Hannah Lawrence and Amos Lawrence her husband, be, and the same is hereby as fully and absolutely dissolved as if they never had been joined in matrimony.

A. Lawrence
and H. Lawrence divorced.

Passed February 15, 1833.

A further Supplement to an act entitled, "An act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct," passed the sixteenth day of November, seventeen hundred and ninety-nine.

WHEREAS it is represented to this legislature, by the proprietors of the Morris Aqueduct, that many persons, who have not contracted with the said the proprietors of the Morris Aqueduct, for the use of the waters of said aqueduct, and who refuse to contract with the said proprietors, and to make any compensation for the use of said waters, are in the habit of taking water from the penstocks, issues, and reservoirs connected with said aqueduct, erected and provided by or for the use of other persons and families, and thereby enjoy all the benefit of the supply of water afforded by said aqueduct, without making any compensation therefor—For remedy whereof,

Preamble.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person shall hereafter, by himself or herself, or by any member of his or her family, or person in his or her employ, and for his or her use, take any of the water of said aqueduct from any penstock, issue, or fixture erected for the issuing or delivering of said water, or from any cask, vessel, or reservoir wherein the same shall be received, for the use of other person or persons, or from any vessel or reservoir which he or she may place or erect, or cause or suffer to be placed or erected, for the purpose of receiving the water that may run from said aqueduct, or from any such penstock, issue, or vessel for receiving said water for the use of such other person or persons, each and every person or persons so offending, for the first offence, shall forfeit and pay to the proprietors of the

Penalty for drawing water from aqueduct without license of the company.

How to be recovered.

Morris Aqueduct the sum of two dollars, to be recovered by the said the proprietors of the Morris Aqueduct, in an action of debt, before any court of competent jurisdiction, with costs of suit; and for every subsequent offence, shall forfeit and pay the sum of four dollars, for each offence, to be recovered by the said the proprietors of the Morris Aqueduct, in manner aforesaid, with costs.

The act of incorporation and this supplement to be deemed public acts.

SEC. 2. *And be it enacted*, That the act entitled, "An act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct," passed the sixteenth day of November, seventeen hundred and ninety-nine, the act entitled, "A supplement to an act entitled, an act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct, passed the sixteenth day of November, seventeen hundred and ninety-nine," which last mentioned act was passed the fourteenth day of March, eighteen hundred and thirty-two, and also this present act, shall be deemed and taken as public acts, and, as such, shall be taken notice of in all courts and places, without being specially pleaded.

Passed February 15, 1833.

AN ACT further supplementary to an act entitled, "An act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth day of November, eighteen hundred and eight.

Penalty for fishing on Sunday.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, if any person or persons, whosoever, shall cast or lay out any seine or net in the river Delaware, within the concurrent jurisdiction of this state and state of Pennsylvania, from sunset on Saturday until twelve o'clock on Sunday night, of each and every week, he, she, or they so offending shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Size of meshes in seines, and times of fishing prescribed.

SEC. 2. *And be it enacted*, That if any person or persons shall cast, draw, or otherwise make use of any seine or net, of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls, between the fifth day of June and the tenth day of July, in any year, or above the head of Trenton Falls, of any seine or net of a larger mesh than two inches, between the tenth day of June and the tenth day of July, in any year, he, she, or they so offending shall forfeit and

pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Sec. 3. *And be it enacted,* That if any person or persons shall, at any time hereafter, unlawfully make use of any gilling seine or drift net in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, below the Trenton Bridge, without having first entered his gilling seine or drift net fisheries, as required by this act, or the act or acts to which this is a supplement, or beyond the right angles or the shore boundaries of the said fishery so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July, of each and every year, every person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted.

Penalty for unlawful fishing with drift nets.

Sec. 4. *And be it enacted,* That if any person or persons shall unlawfully cast, draw, drift, anchor, stake, or otherwise make use of any gilling seine or drift net, for the purpose of catching fish, in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, between the first day of March and the tenth day of July, in each and every year, every person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months, or both, at the discretion of the court before which such offender or offenders shall be convicted: *Provided*, that this act shall not subject to conviction and punishment any person or persons who have been subjected to a prosecution for a penalty, as provided for in the seventh and eighth sections of the act to which this is a supplement.

Penalty for fishing with drift net within prescribed times.

Proviso.

Sec. 5. *And be it enacted,* That all the acts and parts of acts which come within the purview of this act, and are contrary to the provisions of this act, be, and the same are hereby repealed: *Provided*, that the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate nor make void any proceedings legally had or done, or commenced under the same; but the same shall be prosecuted to judgment and execution, as though the said act or acts were not repealed: *And provided also*, that no section, proviso, or part of this act shall be considered as valid or operative until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part, and that from and after the passing of such law, such parts hereof as shall be so enacted and approved shall immediately go into full force and effect.

Former acts repealed.

Proviso.

Proviso.

Act to be sent
to governor
of Pennsylvania.

SEC. 6. *And be it enacted,* That the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Passed February 15, 1833.

AN ACT to enable the administrators of William M. Crowell, deceased, to execute a contract made by him for the sale of real estate.

Preamble.

WHEREAS William M. Crowell, late of Perth Amboy, in the county of Middlesex, deceased, did, by writing under his hand and seal, dated the twenty-first day of March, in the year of our Lord eighteen hundred and twenty-six, covenant and agree to sell and convey unto one Abraham Bloodgood, for the sum of six hundred and forty-five dollars, a certain lot of land and premises, herein after mentioned, under which agreement the said Abraham Bloodgood has ever since occupied the said premises, and paid part of the consideration money.—**AND WHEREAS** the said William M. Crowell has since died without executing and delivering a deed for the same, and that Lewis Campbell and Thompson Crowell have been duly appointed administrators of his estate, and have prayed the aid of the legislature to enable them to execute the said agreement—Therefore,

Administrators of W. M. Crowell empowered to make deed for land to A. Bloodgood.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Lewis Campbell and Thompson Crowell, administrators of said William M. Crowell, deceased, be, and they are hereby authorized, in fulfilment of said agreement, to make, execute, and deliver unto the said Abraham Bloodgood a good and sufficient deed, conveying unto the said Abraham Bloodgood, and his heirs and assigns, all the title, interest, and estate of which the said William M. Crowell died seized, and in the lot of land and premises, with the privileges and appurtenances to the same belonging, in the said agreement named, situated in Perth Amboy, and bounded on the north by land formerly belonging to the widow Simon, and now owned by Smith Martin; on the east, by Amboy Bay; on the south, by land of Abraham Webb; and on the west, by land formerly belonging to estate of Austin Benton, deceased, together with all the right, title, claim, and demand of the said William M. Crowell, at the time of his death, of, in, and to the water rights and privileges in front of, and appendant to, the said premises, which said deed the said administrators are authorized to de-

liver, upon the receipt, by them, of that part of the consideration money, with interest, which remained unpaid at the time of the death of the said William M. Crowell; and which money the said administrators are hereby directed to account for according to law, as a part of the personal estate of the said William M. Crowell, deceased.

Passed February 16, 1833.

AN ACT to incorporate the Camden New Jersey Benevolent Society.

WHEREAS a number of citizens of the county of Gloucester, in this state, residing in the city of Camden and its vicinity, have formed themselves into an association, or society, to which they have given the name of "the Camden New Jersey Benevolent Society," the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness, age, casualty or other cause, be rendered incapable of attending to their usual trade or calling, and also towards the decent interment of deceased members, or the deceased wives of members.—**AND WHEREAS** the said society have, by their petition presented to the legislature, prayed to be incorporated—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Isaac Cole, Richard Feters, John Richardson, John Feters, Ledden Davis, Chester Chattin, Ezekiel Hall, Andrew Jenkins, Doctor Thomas Lee, William Fortiner, Achilles Betts, George Bender, John Johnson, and all such other persons, not exceeding four hundred, as now are, or hereafter shall become members of the aforesaid association or society, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Camden New Jersey Benevolent Society," and, by such name, they shall have succession and continuance, and be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and, by their name as aforesaid, under their common seal, may make, enter into, form, and execute any contracts

Style of incorporation.
Powers.

or agreements relating to, touching, and concerning the objects of said incorporation.

Time and manner of electing officers.

Vacancies, how filled.

Proviso.

Property vested in the company.

Amount thereof limited.

May make constitution and by-laws.

Sec. 2. *And be it enacted,* That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president, vice-president, treasurer, secretary, assistant secretary, four stewards, four directors, and two messengers, with such additional officers and assistants as may hereafter be deemed necessary, who shall hold their respective offices for one year from the time of their election, or until others shall be elected in their room; and that such elections shall be held at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint and direct; and that all the aforesaid officers shall be elected by ballot, by a majority of the members present at such elections; and that in case any vacancy or vacancies shall occur in either of the said offices, by death, resignation, or otherwise, such vacancy or vacancies shall and may be filled, for the remainder of the term in which they shall respectively happen, by a special election for that purpose, to be held in the same manner as the said annual elections, and at such place and time as shall be appointed by the constitution and by-laws of said corporation: *Provided,* that nothing in this act shall in any manner prejudice the appointment of officers hitherto made by the said society, and whose term of office is not yet expired; but that they shall be deemed and held, and are hereby declared to be officers thereof, until the expiration of the time for which they were elected, respectively, or until others shall be elected or appointed in their room, as aforesaid.

Sec. 3. *And be it enacted,* That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body politic and corporate hereby constituted; which said body politic and corporate shall, by the name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same: *Provided,* that the clear yearly value or income of the real or personal estate of the said corporation shall not exceed the sum of two thousand dollars.

Sec. 4. *And be it enacted,* That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time to alter, amend, or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business, and for effecting the purposes of the association aforesaid, as to the members of the said society, or the major part of them, duly met, shall be deemed right and proper: *Provided,* that nothing in

the said constitution or by-laws be repugnant to the constitution and laws of the United States or of the state of New Jersey.

SEC. 5. *And be it enacted*, That the sole and exclusive objects of the society hereby incorporated shall be, the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of members or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as will accrue by carrying into effect the objects set forth in the preamble, as well in this, as in the foregoing sections of this act : and no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act.

Exclusive objects of incorporation.

SEC. 6. *And be it enacted*, That it shall be lawful for the council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

Act may be altered or repealed.

Passed February 16, 1833.

AN ACT to incorporate the American Print Works.

WHEREAS Andrew Gray hath, by his petition to this legislature, represented that he is the proprietor of an extensive and valuable bleaching, printing, and dyeing establishment, located at Belleville, in the county of Essex; and that, by reason of the great extent of said establishment, and the large capital required to carry on the same with advantage, it is inconvenient and difficult to be managed by one individual; and praying the legislature to incorporate the said Andrew Gray and his associates for that purpose: and it appearing to the legislature that the prayer of the petitioner is reasonable, and that the encouragement of manufactures is calculated to promote the public good—Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Andrew Gray, George Harden, William Johnson, and William Smith, and such other persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate, in this state, by the name and style of "the American Print Works," for the purpose of bleaching, printing, and dyeing woollen, cotton, and other kinds of goods, and that, by that name, they and their successors shall have power and

Style and objects of incorporation.

or agreements relating to, touching, and concerning the objects of said incorporation.

Time and
manner of
electing offi-
cers.

Vacancies,
how filled.

Proviso.

Property vest-
ed in the com-
pany.

Amount
thereof limit-
ed.

May make
constitution
and by-laws.

SEC. 2. *And be it enacted,* That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president, vice-president, treasurer, secretary, assistant secretary, four stewards, four directors, and two messengers, with such additional officers and assistants as may hereafter be deemed necessary, who shall hold their respective offices for one year from the time of their election, or until others shall be elected in their room; and that such elections shall be held at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint and direct; and that all the aforesaid officers shall be elected by ballot, by a majority of the members present at such elections; and that in case any vacancy or vacancies shall occur in either of the said offices, by death, resignation, or otherwise, such vacancy or vacancies shall and may be filled, for the remainder of the term in which they shall respectively happen, by a special election for that purpose, to be held in the same manner as the said annual elections, and at such place and time as shall be appointed by the constitution and by-laws of said corporation: *Provided,* that nothing in this act shall in any manner prejudice the appointment of officers hitherto made by the said society, and whose term of office is not yet expired; but that they shall be deemed and held, and are hereby declared to be officers thereof, until the expiration of the time for which they were elected, respectively, or until others shall be elected or appointed in their room, as aforesaid.

SEC. 3. *And be it enacted,* That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body politic and corporate hereby constituted; which said body politic and corporate shall, by the name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same: *Provided,* that the clear yearly value or income of the real or personal estate of the said corporation shall not exceed the sum of two thousand dollars.

SEC. 4. *And be it enacted,* That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time to alter, amend, or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business, and for effecting the purposes of the association aforesaid, as to the members of the said society, or the major part of them, duly met, shall be deemed right and proper: *Provided,* that nothing in

the said constitution or by-laws be repugnant to the constitution and laws of the United States or of the state of New Jersey.

SEC. 5. *And be it enacted*, That the sole and exclusive objects of the society hereby incorporated shall be, the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of members or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as will accrue by carrying into effect the objects set forth in the preamble, as well in this, as in the foregoing sections of this act: and no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act.

Exclusive objects of incorporation.

SEC. 6. *And be it enacted*, That it shall be lawful for the council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

Act may be altered or repealed.

Passed February 16, 1833.

AN ACT to incorporate the American Print Works.

WHEREAS Andrew Gray hath, by his petition to this legislature, represented that he is the proprietor of an extensive and valuable bleaching, printing, and dyeing establishment, located at Belleville, in the county of Essex; and that, by reason of the great extent of said establishment, and the large capital required to carry on the same with advantage, it is inconvenient and difficult to be managed by one individual; and praying the legislature to incorporate the said Andrew Gray and his associates for that purpose: and it appearing to the legislature that the prayer of the petitioner is reasonable, and that the encouragement of manufactures is calculated to promote the public good—Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Andrew Gray, George Harden, William Johnson, and William Smith, and such other persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate, in this state, by the name and style of "the American Print Works," for the purpose of bleaching, printing, and dyeing woollen, cotton, and other kinds of goods, and that, by that name, they and their successors shall have power and

Style and objects of incorporation.

continue to be a body politic and corporate, and be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall, in law, be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares, and merchandise, whatsoever, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to the said corporation in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations.

Not to engage
in banking.

Time and
mode of elect-
ing directors.

SEC. 2. *And be it enacted*, That the stock, property, concerns, and business of the said corporation shall be managed and conducted by five directors, being stockholders, who shall hold their offices for one year from the first day of May in every year; and that the said directors shall be elected on the fourth Tuesday of April in every year, at such time of the day, and at such place, as shall be fixed by the by-laws of the said corporation for that purpose; and public notice shall be given of the time and place of holding every such election, at least twenty days previous thereto, by an advertisement, to be inserted in one or more of the public newspapers printed and published nearest the place where the manufacturing establishment of said corporation shall be located, and also in one or more of the public newspapers printed and published in the city of New York; that such elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; that all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said corporation, and the persons having the greatest number of votes, being stockholders, shall be the directors; and if it shall happen, at any such election, that any two or more persons, legally qualified for directors, shall have an equal number of votes, there not being the number of five that have a plurality of votes, when the said number of five have not been elected, that then the said stockholders shall, in manner aforesaid, proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be the director or directors, so as to complete the whole number of five.

SEC. 3. *And be it enacted*, That the said directors, as soon

as may be after their election, shall proceed to elect, by ballot, one out of their number to be their president, and shall, in like manner, at the same time, elect a secretary of the said corporation; and if any vacancy or vacancies shall at any time happen in the direction of said corporation, by the death, removal, or resignation of the directors elected, or by any other means, then such vacancy or vacancies shall be filled, until the next election, by such person or persons as the remaining directors, or a majority of them, shall appoint.

SEC. 4. *And be it enacted*, That the first directors of the said corporation shall be Andrew Gray, James Speer, George Harden, William Johnson, and William Smith, and that they shall hold their offices until the first day of May, in the year of our Lord one thousand eight hundred and thirty-three, and shall, as soon after the passage of this act as is convenient, proceed to elect, by ballot, one out of their number to be their president.

SEC. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause, or for any non user, be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold an election for directors, in such manner as shall be provided for by the by-laws and ordinances of said corporation, of which election the same notice shall be given as is herein before provided and directed; and the directors last elected shall, in all cases, hold their offices until others are appointed in their stead.

SEC. 6. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; but it shall nevertheless be lawful for said corporation, when and so soon as the sum of one hundred thousand dollars shall have been subscribed, paid, or satisfactorily secured to be paid, to commence business, and with capital to conduct and carry it on, until they shall deem it expedient to extend their capital, which they are authorized to do from time to time, to the said sum of two hundred thousand dollars; and that it shall be lawful for the directors of said corporation to call and demand from the stockholders, respectively, all sums of money by them subscribed, to be paid at such times and in such proportions as the said directors shall see proper, under the pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice requiring such payments shall have been published for that time in one or more of the public newspapers printed and published nearest the place where the manufacturing establishment of said corporation shall be located, and also in one or more of the public newspapers printed and published in the city of New York.

President to be chosen.

First directors.

Corporation not dissolved for failure of electing on day prescribed.

Amount of capital.

Stock forfeited on failure to pay installments.

Stock to be deemed personal estate. **Sec. 7.** *And be it enacted,* That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation, and that the directors shall and may make such dividends to and amongst the stockholders as they shall see fit and expedient: *Provided always,* that no dividend shall at any time be made, except from and out of the clear profits of the said corporation.

Proviso.

Powers of directors. **Sec. 8.** *And be it enacted,* That a majority of the directors for the time being shall form a board for the transaction of the business and concerns of the said corporation, and shall have power to make such by-laws, rules, and regulations for the government of said corporation, and for the management and disposition of its property, stock, effects, and concerns, and touching the employment of their clerks, agents, servants, and workmen, their salaries and allowance, and their regulation and government, as shall seem to them necessary and expedient: *Provided* such by-laws, rules, and regulations shall not be contrary to, or inconsistent with, the constitution and laws of the United States or of this state.

Proviso.

Book open to inspection of stockholders. **Sec. 9.** *And be it enacted,* That the directors of the said corporation shall at all times keep, or cause to be kept, at their manufacturing establishment, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall, at all times, be open for the inspection of the stockholders, their lawful agents, or attorneys; and that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Limitation of charter. **Sec. 10.** *And be it enacted,* That this act shall be, and continue in force for and during the term of twenty years from the passing thereof, and from thence until the end of the next session of the legislature, and no longer: *Provided always,* that the legislature may, at any time during that period, repeal, amend, or alter this charter, at their will and pleasure.

Act may be altered or repealed.

Passed February 16, 1833.

A Supplement to an act entitled, "An act to incorporate the Dundee Manufacturing Company, in the county of Bergen," passed March fifteenth, eighteen hundred and thirty-two.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said company, for the purposes mentioned in the second section of the act to which this is a supplement, may buy, rent, take, and hold, or otherwise seize and become possessed of and hold all such lands, tenements, and water-power, and other real and personal estate, in the county of Essex, as may be necessary and useful for the purposes aforesaid, and the same may convey, sell, let, or otherwise dispose of as they shall deem proper.

Company may hold lands in the county of Essex.

SEC. 2. *And be it enacted,* That the directors of said company shall have power to declare forfeited to said company the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the installments upon their respective stock, as shall be required by said directors, in manner prescribed in the first section of said act: *Provided* the said installments shall remain unpaid for the space of thirty days after the time appointed by said directors for the payment thereof.

Stock forfeited on failure to pay installments.

SEC. 3. *And be it enacted,* That all elections for directors of said company shall be by ballot; and if the directors for the time being of said company shall at any time neglect or refuse to give notice, as in the first section of the act to which this is a supplement is required for the election of directors, that then, upon such neglect or refusal, the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice and call such meeting, and elect or choose directors, in like manner as if the said directors had given notice as by the said act is required; and if at any election for directors two or more persons voted for as directors shall receive an equal number of votes, then the directors for the time being shall determine, by ballot, which of the said persons so having an equal number of votes shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose, from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be complete.

Regulations respecting election of directors.

Vacancies how supplied.

SEC. 4. *And be it enacted,* That it shall not be lawful for the said company in any way to withdraw, divide, or pay to the stockholders any part of the capital stock of said company, nor to reduce the said capital stock, without the consent of the legislature.

Capital stock not to be divided or reduced.

Passed February 18, 1833.

AN ACT appointing trustees to sell and convey the real estate of William C. Elmendorf, deceased.

Preamble.

WHEREAS William C. Elmendorf, late of the county of Somerset, died seized of certain real estate, in the counties of Hunterdon and Somerset, leaving a widow and five children, all of which children are under the age of twenty-one years; and whereas the said property is so situated, as to be incapable of division, and cannot be sold in the ordinary way, by commissioners appointed by the Orphans' Court, without great detriment to those interested; and it is expedient that parts of the property should be sold at this time, and that other parts should be leased until they can be disposed of to advantage; and the widow of the said decedent, in behalf of herself and her orphan children, having requested aid in the premises, and that trustees may be appointed for the purposes aforesaid—now therefore,

Trustees empowered to sell real estate of W. C. Elmendorf, deceased

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That James B. Elmendorf and Peter D. Vroom, be, and they are hereby appointed trustees, with full power and authority to sell for the best prices they can obtain for the same, all or any part of the said premises, of which the said William C. Elmendorf, died seized, in the state of New Jersey, at such time or times, and in such mode as they may deem most advantageous for those interested; and for the same or any part or parts thereof, when so sold, to make and execute good and sufficient conveyances in the law; which said conveyances executed by the said trustees, or the survivor of them, shall vest in the purchaser or purchasers, all the estate, right, title, and interest, which the said William C. Elmendorf had at the time of his death, in the premises so sold and conveyed as aforesaid; and also, that the said trustees, or the survivor of them, shall have power and authority to demise and lease such part or parts of said premises as may remain unsold, until the same shall be disposed of.

How proceeds of sales to be applied.

SEC. 2. *And be it enacted*, That the said trustees, or the survivor of them, shall keep a just and true account of such sale or sales as they shall make by virtue of the authority hereby granted; and after deducting the expenses attendant on the execution of this trust, shall invest the same in good and sufficient securities upon interest, for the benefit of the said widow and minors; the said widow to receive to her own use during her natural life, and in lieu of her right of dower, the one third part of the interest of the said proceeds; and the other two thirds thereof to be paid annually to the guardian or guardians of the said minor children, until they respectively come of lawful age; and then that the said trustees, or the survivor of them, shall pay to each of them, so

arriving at lawful age, his or her distributive share of the principal remaining in their hands.

Sec. 3. *And be it enacted*, That the said trustees shall also keep a just and true account of all the moneys that may be received, by way of rent, for the use and occupation of any portion or portions of said property; and shall pay over the net proceeds thereof to the widow, and to the said minors or their guardians, according to their respective rights and interests therein. Application of rents.

Sec. 4. *And be it enacted*, That before the said trustees shall enter upon the execution of the trust hereby confided to them, they shall give bond to the governor of this state, in such sum and with such security as shall be directed and approved of by the surrogate of the county of Somerset, conditioned for the faithful performance of the said trust; which bond shall be filed of record in the office of the said surrogate, for the benefit of all parties interested. Trustees to give bond.

Passed February 18, 1833.

AN ACT to authorize William Brewer and David B. Morgan, administrators of Edmund Brewer, deceased, to execute a certain contract therein named.

WHEREAS it appears that Edmund Brewer, late of the county of Gloucester, and state of New Jersey, in his life time, entered into a written agreement with Richard Davis, to sell and convey to him two certain tracts or lots of land, situate in the county of Gloucester, being the same lots which the said Edmund Brewer, deceased, purchased of Jonathan Morgan, by deed dated seventh November eighteen hundred and fourteen, and now in the possession of the said Richard Davis, and that the consideration money has been paid by the said Richard Davis to the said Edmund Brewer, in his life time—therefore, Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said William Brewer and David B. Morgan, administrators of Edmund Brewer, deceased, be and they are hereby authorized and empowered, to make a deed of conveyance unto the said Richard Davis, for the above mentioned lots of land, according to the terms of the said agreement; which shall have the same force and effect, as a deed from the said Edmund Brewer, in his life time, would have had. Administrators of Edmund Brewer empowered to make a deed for lands to Richard Davis.

Passed February 18, 1833.

AN ACT to incorporate the Union Beneficial Society of the county of Salem.

Style of incorporation.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Nathaniel Bobbins, James Sinashey, George C. Rumsey, John W. Challis, David E. Williams, Thomas Sayre, John P. M'Cune, Thomas E. Mulford, John P. Cooper, Maskell Mulford, Nathan D. Pew, William P. Mulford, Isaac Sutton, Enoch S. Reed, Samuel Mulford, Mark Riley, William Burnhart, and all such other persons as now are, or hereafter shall become associates of the Union Beneficial Society of the county of Salem, shall be and they are hereby constituted and declared to be a body politic and corporate in fact and in law, by the name of the Union Beneficial Society of Salem.

Powers.

SEC. 2. *And be it enacted,* That the said corporation, by such name shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity, and may have a common seal, and have power to alter the same at their pleasure, and by their common seal enter into and execute contracts and agreements; and such corporation shall have full power to make and adopt such laws and regulations as they may think proper, not inconsistent with the laws of the United States or of this state.

Amount of capital stock and its application.

SEC. 3. *And be it enacted,* That the capital stock of said corporation shall not exceed the sum of three thousand dollars, which shall be applied to the nursing and attendance of members while sick, the purchase of necessaries for such sick members, the payment of physician's bill, the funeral expenses of deceased members, and such other incidental expenses as may be needful to further the objects of the said society.

Election of officers.

SEC. 4. *And be it enacted,* That the said corporation shall have power to elect annually, out of their own body, a president and such other officers and assistants as shall be necessary for conducting the affairs of said corporation according to their constitution: and the president shall keep in his custody the common seal of said corporation, and deliver it at the expiration of his term of office, to his successor.

Delinquent members may be sued.

SEC. 5. *And be it enacted,* That the constitution and by-laws of said corporation shall be binding and imperative on the different members, and may be enforced by suit against defaulting members, in the corporate name of said company, before any court having competent jurisdiction.

SEC. 6. *And be it enacted,* That the legislature may at any time hereafter, alter, amend, modify or repeal this act, as they may think proper.

Passed February 19, 1833.

AN ACT to incorporate the Manufacturing Company of Clinton, New Jersey.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John W. Bray, John B. Taylor, and such other person or persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted, and declared to be a body politic and corporate in fact, name, and law, by the name and style of "the Manufacturing Company of Clinton, New Jersey," for the purpose of establishing and carrying on manufactures of iron, wool, cotton, flax, flaxseed, and other articles of American growth or production, at, or in the vicinity of Clinton, in the county of Hunterdon; and by that name, they and their successors shall and may have continual succession, and be persons capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, causes, complaints, and matters whatsoever; and may have and use a common seal, and make, alter, change, and renew the same at pleasure; and that they and their successors by the same name and style, shall be capable of purchasing, holding, using, and conveying, any estate real or personal, for the use of the said corporation: *Provided*, that the real estate to be purchased and holden by the said corporation, shall be such only as is now owned by Archibald S. Taylor, at and in the vicinity of Clinton, aforesaid, or as may be necessary for the purposes of carrying on the manufacturing operations for which this incorporation is established, and such other, as shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealing, or purchased at sales upon judgments, or decrees, which shall have been obtained for such debts.

Style of incorporation.

Powers.

Proviso.

SEC. 2. *And be it enacted*, That the capital stock of the said corporation, shall be one hundred and twenty thousand dollars, which shall be divided into shares of one hundred dollars each, but it shall nevertheless be lawful for the said corporation, when, and so soon as twenty thousand dollars, of the said capital stock shall have been subscribed and paid, to commence their business; and with that capital, conduct and carry it on, until they shall find it expedient to extend their capital, which the president and directors of said company, are authorized to do from time to time, by receiving new subscriptions to their capital stock, to the amount herein before mentioned, and it shall be lawful for the president and directors of said company for the time being, to call in and demand

Amount of capital stock.

shall be prescribed by the by-laws of said company; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due, or to become due at a future day, such stockholder shall not be entitled to make any sale, conveyance, or transfer of his stock in the said corporation, or to receive a dividend thereon, until such demand shall be paid or secured to the satisfaction of the board of directors; and unless such claim or demand shall be paid, or secured to be paid, in manner aforesaid, within three months after the same shall become due, then such stock of any such debtor, or so much thereof as shall be sufficient for the purpose, may be sold by the said corporation, for the highest and best price that can be obtained for the same, and transferred to the purchaser by the president for the time being, in the presence of one of the directors or the secretary of said corporation, and the proceeds applied towards the satisfaction of such claim or demand.

Books open
to inspection
of stockhold-
ers.

SEC. 9. *And be it enacted*, That the president and directors shall at all times keep a book or books, in which shall be entered all the proceedings of the stockholders at their annual or other meetings, and all the proceedings of the board of directors; and they shall also keep, at their manufactory, books of account, in which shall be regularly entered all the transactions and accounts of the said corporation; which books shall be subject at all times, in business hours, to the inspection of the stockholders of the company; and the president and directors shall from time to time, as to them shall seem meet, make and declare dividends of such parts of the clear profits resulting from the business of the said corporation, as they shall deem expedient.

Capital not to
be employed
in banking.

SEC. 10. *And be it enacted*, That the corporation hereby created shall not engage in, or carry on, or employ any part of their capital stock in banking operations.

Limitation of
act.

SEC. 11. *And be it enacted*, That this act shall be and continue in force until the first day of November, one thousand eight hundred and fifty-three, and no longer: *Provided always*, that upon any violation of, or departure from the provisions of this act by the said company, the legislature may, at any time after, modify or repeal the same.

Passed February 19, 1833.

AN ACT to authorize the sale of the real estate of Joseph Thickston, deceased.

WHEREAS it appears that Joseph Thickston, late of the county of Middlesex, and state of New Jersey, deceased, died seized of certain real estate in the county and state aforesaid, without leaving any last will and testament, and leaving five children, to wit, Rebecca Bloodgood, wife of Samuel Bloodgood, Mary Munday, wife of Michael Munday, Elizabeth Dunham, Azariah Thickston and John Thickston, his heirs at law him surviving, to whom the said lands descended.—**Preamble.**
AND WHEREAS, since the death of the said Joseph Thickston, the said John Thickston has also departed this life, leaving three children, to wit, David Thickston, Edward Thickston, and Jane Thickston, his heirs at law, the two latter of whom are minors and under the age of twenty-one years, to whom the undivided share of the said John in the said real estate of said Joseph has descended.—**AND WHEREAS** it appears, also, that it would be for the interest of all persons concerned in said lands, that the same should be sold—Therefore,

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That David Mercereau and Henry Stevenson be, and they are hereby appointed trustees, with full power to sell and dispose of all the land, with the appurtenances, belonging to the said Joseph Thickston at the time of his death, for the best price that can be obtained for the same, at public vendue, first giving notice thereof, as executors and administrators, by law, are required to do, and report such sale to the next subsequent orphans' court of the county of Middlesex, for confirmation and allowance; and, on said court approving the same, to make and execute a good and sufficient deed or deeds of conveyance for the same to the purchaser or purchasers thereof, and to apply the moneys arising from such sale, after deducting a reasonable compensation for their services and their reasonable and necessary expenses, to be allowed by the said orphans' court out of the same, to the payment of the respective shares of the several owners in said lands, according to their several and respective rights under the statute of descents. **Trustees empowered to sell real estate of J. Thickston, dec.**

SEC. 2. *And be it enacted,* That before the said David Mercereau and Henry Stevenson shall enter upon the trust reposed in them by this act, they shall enter into a bond to the governor of this state, with such securities and such amount as shall be approved of by the surrogate of the said county of Middlesex, conditioned for the faithful performance of the trust reposed in them by this act; which bond shall be deposited in the office of said surrogate. **To give bond.**

SEC. 3. *And be it enacted,* That the said David Mercereau and Henry Stevenson shall, within six months after the sale of **To account to the surrogate of Middlesex.**

said lands shall be completed, make out and exhibit, under oath, unto the surrogate of said county of Middlesex, a true statement of the amount of said sale, to be by him recorded and filed in his office, agreeably to law; and that the said David Mercereau and Henry Stevenson shall be accountable for all moneys received by them by virtue of this act.

Passed February 21, 1833.

AN ACT authorizing trustees to sell certain real estate, whereof Benjamin Hendrickson died seized.

Preamble.

WHEREAS Benjamin Hendrickson, of the township of Trenton, in the county of Hunterdon, and state of New Jersey, lately departed this life intestate, seized, in fee-simple, of and in a certain tract of land, situate in the township of Trenton aforesaid, containing seventy-five acres, more or less, leaving Phebe Hendrickson, his widow, and Israel Hendrickson, Elijah Hendrickson, Letitia Hendrickson, Sarah Hendrickson, Matilda Hendrickson, Cornelia Hendrickson, Elizabeth Hendrickson, Charity Hendrickson, Marsha Hendrickson, Benjamin Hendrickson, and Julia Hendrickson, his heirs at law; which said Matilda, Cornelia, Elizabeth, Charity, Marsha, Benjamin, and Julia are minors, under the care of their mother Mary Hendrickson.—AND WHEREAS the said Phebe Hendrickson, Israel Hendrickson, Elijah Hendrickson, Letitia Hendrickson, Sarah Hendrickson, and Mary Hendrickson have, by their memorial, represented to the legislature, that it is for the interest of all the parties concerned, and especially for the interest of the said infant heirs, that a sale of the said premises should be effected with all convenient speed, and thereby prayed that trustees may be appointed to sell the same; and the prayer of the said memorialists appearing to be reasonable and proper—Therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Israel Hendrickson and Elijah Hendrickson, and the survivor of them, be, and they are hereby appointed trustees, to sell and convey all and singular the real estate whereof the said Benjamin Hendrickson died seized, situate in the township of Trenton aforesaid, in the manner, and upon giving such notice of said sale or sales as is required by law in case of sales of real estate by executors or administrators by virtue of an order of the orphans' court; and, when sold, to make, ex-

Trustees empowered to sell real estate whereof B. Hendrickson died seized.

ecute, and deliver, in their own names, or in the name of the survivor of them, as trustees or trustee as aforesaid, good, legal, and sufficient deed or deeds of conveyance for the said real estate; which said deed or deeds shall convey to, and vest in the purchaser of the said real estate all the right, title, interest, property, claim, and demands which the said Benjamin Hendrickson had therein at the time of his death, and which the widow and heirs at law of the said Benjamin Hendrickson now have in the same.

Sec. 2. *And be it enacted,* That the said trustees, and the survivor of them, shall keep a full, fair, and just account of the sale or sales by them made under this act, with the costs and expenses thereof, and exhibit the said account, under oath or affirmation, to the orphans' court of the said county of Hunterdon within six months after such sale or sales shall be made, to be approved by the said court, and to be recorded and filed by the surrogate of said county; and the said trustees or trustee, after deducting from the proceeds of such sale or sales all legal costs and expenses, and such reasonable commissions as shall be allowed by the said court, together with such compensation as shall be agreed upon with the said Phebe Hendrickson for her right of dower in said premises, shall pay unto the heirs of the said Benjamin Hendrickson, who shall have attained the age of twenty-one years, such part, share, and portion of the balance of said proceeds as the said heirs are respectively entitled to in the said lands and premises under the laws of this state directing the descent of real estate, and shall pay the residue thereof to the guardian or guardians of the minor heirs of the said Benjamin Hendrickson, deceased, to be divided among them in like proportion; or if there be no guardian of the said minor heirs, then the said trustees or trustee shall place the said residue at interest, on good security, and pay the same, with the interest that shall accrue thereon, to the said minor heirs, as they severally attain the age of twenty-one years, according to their respective shares, as aforesaid.

To account to
orphans' court
of Hunterdon

How proceeds
of sales to be
applied.

Sec. 3. *And be it enacted,* That the said Israel Hendrickson and Elijah Hendrickson shall, before entering upon the execution of the trust reposed in them by this act, enter into bond, unto the governor of this state for the time being, in such sum, and with such security, as the surrogate of the said county of Hunterdon shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the office of the said surrogate, and shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state for the time being to cause the same to be prosecuted in any court of record, at the request and for the benefit, and at the proper costs and charges, of any person or persons aggrieved by such forfeiture.

Trustees to
give bond.

Sec. 4. *And be it enacted,* That no sale or conveyance of

Rights of others not affected.

the said real estate, under and by virtue of this act, shall impair or in any wise affect the rights or interests of any person or persons whatever, other than the widow and heirs at law of the said Benjamin Hendrickson, deceased, and those claiming under them, or either of them.

Passed February 21, 1833.

AN ACT to incorporate the Manasquan River and Barnegat Bay Canal Company.

Preamble.

WHEREAS it has been represented to the legislature of the state of New Jersey, that a canal from or near the mouth of the Manasquan river to the head waters of Barnegat bay, in the township of Howell, and county of Monmouth, for the passage of scows, schooners, and other small craft, would greatly facilitate intercourse, and essentially promote the prosperity of that part of the state—Therefore,

Commissioners to receive subscriptions.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That James Osborn, Enoch Cotterell, Ezekiel H. Johnson, Richard S. Bunn, and Aaron Remson, of the county of Monmouth, be, and hereby are appointed commissioners to receive subscriptions to the capital stock of "the Manasquan River and Barnegat Bay Canal Company," at such times, (within six months from the passage of this act) and at such places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of the books, by publishing the same in a newspaper printed in this state, and circulated in the said county of Monmouth.

Amount of capital stock.

SEC. 2. *And be it enacted*, That the capital stock of said company shall consist of five hundred shares, at ten dollars each; and that two dollars and fifty cents shall be paid on each share, at the time of subscribing; and that the residue of such subscription shall be paid in such installments, and at such times and places, and to such person, as the president and directors of said company shall from time to time direct and give public notice of: *Provided*, that no installment to be called for shall exceed two dollars and fifty cents on each share: *And provided also*, that if the number of shares subscribed for shall exceed the number authorized by this act, the said commissioners shall apportion the said stock among the subscribers in the proportion of the number of shares by them respectively subscribed.

Proviso.

Proviso.

Sec. 3. *And be it enacted,* That as soon as the sum of twenty-five hundred dollars shall be subscribed, the persons subscribing or holding the same shall be, and hereby are incorporated into a company, by the name of "the Manasquan River and Barnegat Bay Canal Company," and, by that name, shall become capable of purchasing and holding, or otherwise becoming possessed of, and conveying real and personal estate, and shall have all other powers and privileges incident to a body corporate and politic, and necessary to carry into effect the purposes of this act; and, as soon as the said twenty-five hundred dollars shall be subscribed as aforesaid, it shall be the duty of the said commissioners, or the majority of them, or the survivors of them, to call a meeting of the subscribers at such convenient place in the said township of Howell, as they shall direct, giving at least twenty days' notice of the time and place of such meeting, in the manner hercin directed with regard to opening the books; at which meeting the subscription books shall be laid before the stockholders who may be present, who shall proceed to elect, by ballot, from among the subscribers, five directors, to manage the affairs of said company, who shall hold their office for one year and until others are elected in their place, of which election the said commissioners shall be the judges; and at the expiration of one year, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, who shall hold their office in manner aforesaid; and, at every such election, each stockholder may vote in person or by proxy, and shall have as many votes as he, she, or they have shares of stock: *Provided*, that no stockholder shall have more than ten votes.

Style of incorporation.

Time and mode of electing directors.

Proviso.

Sec. 4. *And be it enacted,* That within twenty days after the first and every annual election of said company, the said directors shall choose one of their number as president of said company, who shall hold his office for one year, who shall preside at all meetings of the board of directors, a majority of whom shall always constitute a quorum for the transaction of business; and the said directors shall also, within the time aforesaid, elect and choose a treasurer of said company, who shall hold his office during the pleasure of the board of directors, and who shall, before he enters upon the duties of his office, enter into bond to the said president and directors, with sufficient sureties, for the faithful performance of his office; and the said directors shall have power to supply all vacancies occasioned in the board, by death or otherwise; and at every annual election, after the first, to choose two discreet and impartial men as judges of said election.

President to be chosen.

Vacancies, how filled.

Sec. 5. *And be it enacted,* That it shall and may be lawful for the said company, as soon as they are organized in manner aforesaid, to construct a canal or artificial navigation from or near the mouth of Manasquan river to the head waters of Bar-

Location and size of canal.

Com. may
take lands, by
compensat-
ing owners.

Proceedings
when compa-
ny and own-
ers of lands
cannot agree
on the value.

Proviso.

negat bay, at Layton's pond or ditch, in the township and county aforesaid, upon such line or route as the said company may deem most advantageous; which canal shall not exceed forty feet in width at the water line, and five feet in depth; and, for that purpose, it shall be lawful for said company, by their president and directors, or any agent, engineer, or superintendent, to enter upon and explore any land lying between the points above mentioned, or adjacent thereto, doing no unnecessary damage; and when the route of said canal shall be fixed, it shall be lawful for said company, by their agents, engineers, contractors, or other persons, to enter upon and take possession of such lands as may be necessary for the construction of said canal, by first paying such compensation to the owner or owners thereof as is herein after directed.

SEC. 6. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, and the damages sustained by such owner or owners; or when such agreement cannot be made by reason of the absence or legal disability of such owner or owners, it shall be lawful for the president and directors of said company, or the owner or owners of such lands, to apply to any three judges of the court of common pleas of the county of Monmouth aforesaid, who shall, on such application, appoint three of the board of chosen freeholders of said county, who are in no wise interested in the said lands or in the said company, who shall, after giving notice to the parties concerned of the time and place of meeting, proceed to examine the said lands, and appraise the value thereof, and the damages sustained by such owner or owners, and make report thereof, in writing, at the next subsequent term of the court of common pleas in and for said county; and the said canal shall pay all the cost arising by the report of the said freeholders; and if either party shall be dissatisfied with such report, and signify the same to said court, the said court shall, at the term subsequent to the term to which said report shall be made, order and direct a proper issue for the trial of the controversy between the parties, and impanel a jury for that purpose, who are to determine the same, upon evidence to be adduced by said parties; which determination shall be final and conclusive between the parties; and if the said jury shall find any greater sum than is reported by the said freeholders, then the said company shall pay the cost of such trial; and if they find a sum not exceeding the sum so reported, then the said owner or owners shall pay the cost of said trial: *Provided* the said trial is had at the instance of such owner or owners; and if the said trial is had at the instance of the said company, and the verdict of the jury shall not be less than the sum reported by the said freeholders, then the said company shall be at the cost of said trial; and if it be less than the sum reported, the said owner or owners shall pay the cost of such trial; and the

said owner or owners shall be entitled to recover the amount so found by the jury against said company, upon the payment of which, the title to said lands shall forthwith vest in said company.

SEC. 7. *And be it enacted*, That the said company shall erect, or cause to be erected, on said canal, one or more good and substantial locks or tide gates, which they shall maintain and keep in good repair, to stop the water from flowing through said canal, whenever they may think it necessary so to do: *Provided*, that in case Manasquan inlet should at any time shut or close up, then it is hereby made the duty of said canal company to keep their gates or locks shut so as to prevent the water from running through said canal into the bay, until said inlet shall be re-opened.

Tide gates to be erected.

SEC. 8. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over the said canal, where any public, private, or by-road shall cross the same, so that the passage of carriages, horses, and cattle, on said roads, shall not be prevented thereby: and the said company shall make and keep in good repair all fences across the line of the said canal, where the same now are, and may hereafter be erected by the owner or owners of the land through which the said canal may pass.

Bridges to be erected where roads cross the canal.

SEC. 9. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure said canal, its locks, gates, or any other thing thereunto appertaining, or shall obstruct the navigation thereof, he, she, or they shall be liable to indictment, and fined and imprisoned, or both, at the discretion of the court, the fine not exceeding twenty dollars, nor the imprisonment three months, before whom he, she, or they shall be tried, and shall also be liable to make good all damages the company may sustain thereby.

Penalty for injuring works.

SEC. 10. *And be it enacted*, That, as soon as the said canal shall be completed, the said company are hereby authorized and empowered to demand and take a toll for passing through the same, at the following rates, that is to say:—

Rates of tolls.

For every scow or vessel without sails, at the rate of eight cents per ton.

For every sail boat or small craft, at the rate of ten cents per ton.

For every fish boat or skiff, twenty-five cents each.

SEC. 11. *And be it enacted*, That if any person or persons shall pass through said canal as aforesaid, without first paying the toll according to the rates aforesaid, he shall forfeit and pay to the said company a fine not exceeding forty dollars, to be sued for and recovered by action of debt, with costs, before any court having cognizance thereof.

Penalty for non-payment of toll.

SEC. 12. *And be it enacted*, That if any tollgatherer or agent, or any person acting under the authority of said company,

Penalty for taking unlaw-

AN ACT to incorporate the New York and Bergen Dairy Company.

Preamble.

WHEREAS Robert Swartwout and others, associated as a company, under the name of the New York and Bergen Dairy Company, for the purpose of supplying the city of New York, with pure and wholesome milk, have, by petition, prayed to be incorporated—wherefore,

Style of incorporation.

Powers.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Robert Swartwout, David B. Ogden, William C. Holly, Henry Aaron, and Charles Kinsey, and their associates, shall be, and they are hereby constituted a body corporate, by the name and style of the New York and Bergen Dairy Company, and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal, and renew and alter the same at their pleasure, and by the same name shall be, and hereby are, made capable in law to purchase and enjoy to them and their successors, lands, tenements, and hereditaments, goods, chattels and effects, of what nature or kind soever, necessary for the purpose of this corporation, and the same to grant, demise, alien, or dispose of at pleasure, for the benefit of the said company and their legal representatives, in proportion to their respective shares.

Objects for which real estate may be held.

Limitation of amount.

SEC. 2. *And be it enacted*, That the lands and tenements which it shall be lawful for the said corporation to purchase and hold, shall be such only as may be deemed by them requisite and necessary for the purposes of carrying into effect the objects of this corporation, shall be located in the county of Bergen, and the original cost of which shall not exceed the sum of one hundred thousand dollars; but it shall nevertheless be lawful to take and hold any real estate or securities bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock, or to secure the payment of any debt that may be due to it; and also to purchase on sales made by virtue of any judgment at law or any other decree of a court of equity, or otherwise, to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently sell and convert the same into money or personal property.

Powers of the company.

SEC. 3. *And be it enacted*, That the corporation hereby created, shall have full power and authority to cultivate and improve their lands, dispose of their produce, erect suitable buildings for their accommodation, purchase the necessary stock of cattle and sell them at pleasure, and purchase and hold all necessary implements of husbandry, and establish and maintain a dairy.

SEC. 4. *And be it enacted,* That the capital stock of the said company, shall be one hundred and fifty thousand dollars, Amount of capital stock. to be divided into shares of twenty-five dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as fifty thousand dollars on account of the said capital stock shall have been subscribed and paid in, or satisfactorily secured, to commence their said business, and with that capital to conduct and carry it on until they shall find it expedient from time to time to extend their capital to the amount herein before authorized.

SEC. 5. *And be it enacted,* That all the affairs, concerns, and business of the said corporation, shall be managed and conducted by a president and four directors, or a majority of them, being stockholders, in the said company, and elected by them; the first election shall be held on the first Monday of October, in the year of our Lord, one thousand eight hundred and thirty-four; and every election for directors thereafter, Time and mode of electing directors. shall be held annually on the first Monday of October, which election shall be by ballot, and decided by plurality of votes, under the direction of the president and directors of the corporation, or a majority of them; and each stockholder shall be entitled to one vote for each share of stock standing in his name: and until the first Monday of October, in the year of our Lord, one thousand eight hundred and thirty-four, the said Robert Swartwout, David B. Ogden, William C. Holly, Henry Aaron, and Charles Kinsey, shall be directors of the said corporation and shall continue to be directors until others shall be elected in their stead; and the directors who may from time to time be duly elected, shall continue in office, and hold over until others are duly elected in their place or stead.

SEC. 6. *And be it enacted,* That the stock of the said company, shall be considered personal property, and shall be assignable and transferable according to such rules as the board of directors shall from time to time make and establish. Stock to be deemed personal estate.

SEC. 7. *And be it enacted,* That the said directors hereinbefore named, and those that may from time to time be duly elected, or a majority of them, shall as soon as may be convenient, after their election, appoint one of their number to be president, and the said president and directors, or a majority of them, shall have power to make all necessary rules and regulations for the government of their own board, and the Election of president. time and mode of transacting business therein, the regulations of elections for directors and for the management of the concerns of the corporation; *provided* such rules and regulations are not inconsistent with the constitution and laws of the United States, and of this state, they shall have power to declare and make dividends of the profits resulting from the business of the said company; and also to appoint all such officers and agents as they or a majority of them may deem necessary for the purposes intended by this act; the first elec- Duties of president and directors.

Election to
be advertised.

tion for directors shall be held at Hoboken, in the county of Bergen, and all subsequent elections shall be held at such time and place within said county as the president and directors, or a majority of them, shall from time to time direct, and notice shall be given in at least one newspaper published in this state, and one in the city of New York, ten days prior to each election of directors, stating the time and place where such election will be held; at which election, each stockholder may vote in person or by proxy; *Provided always*, that in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, it shall be lawful on any subsequent day, upon such notice, and in such manner as the by-laws of the said company may prescribe, to hold an election of directors of the said company, and the directors so elected, shall proceed to choose a president as herein before directed.

SEC. 8. *And be it enacted*, That books of subscription to the capital stock of the company, shall be opened at such time and place and in such manner as may be designated by the directors, within ninety days after the passage of this act; that five dollars shall be paid upon each share of stock at the time of subscribing, and the remainder by installments or otherwise, upon a call of the president and directors, giving at least thirty days notice thereof, and that the shares of every stockholder, omitting to make such payment, shall be forfeited to the company with all previous payments made thereon.

Limitation of
charter.
Proviso.

SEC. 9. *And be it enacted*, That this act shall be and continue in force for and during the term of fifty years from the passing thereof, and from thence until the end of the next session of the legislature: *Provided always*, that the legislature may at any time during that period, repeal, amend, or alter this charter at their will and pleasure.

Passed February 21, 1833.

AN ACT to divorce William H. Schenck from his wife Angeline M. Schenck.

William H.
and Angeline
M. Schenck
divorced.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William H. Schenck, of the county of Monmouth, be, and he is hereby divorced from his wife Angeline M. Schenck; and that the marriage contract heretofore existing

between them, the said William H. Schenck and Angelina M. his wife be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed February 22, 1833.

A further Supplement to the act entitled, "An act to incorporate a company to create a waterpower at the city of Trenton and its vicinity, and for other purposes," passed February sixteenth, eighteen hundred and thirty-one.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That any person, copartnership, or body politic failing, for the space of thirty days after having received notice and a demand in writing to pay any installment, or part thereof, of the capital stock of the said company, shall forfeit to the said company, at its discretion, each and every share upon which there shall be a deficiency, and all moneys thereon previously paid; which share or shares of stock so forfeited shall and may be sold by the president and managers for the time being for such price as can be had for the same; and the purchaser or purchasers thereof shall become members of the company, as fully as if they had been original stockholders.

Stock forfeited on failure to pay installments.

SEC. 2. *And be it enacted*, That the act entitled, "A supplement to an act entitled, an act to incorporate a company to create a waterpower at the city of Trenton and its vicinity, and for other purposes," passed February sixteenth, eighteen hundred and thirty-one, which said supplement was passed January twenty-sixth, eighteen hundred and thirty-three, be, and the same is hereby repealed.

Former supplement repealed.

Passed February 22, 1833.

AN ACT to incorporate the Rahway Mutual Insurance Fire Company.

WHEREAS Robert Lee, Job Squire, Samuel Oliver, David S. Craig, Jonathan B. Marsh, and others, inhabitants of the townships of Woodbridge, in the county of Middlesex, and Rahway, in the county of Essex, have, by their petition to

Preamble.

the legislature, set forth the great advantages that would result from an act of incorporation, enabling them and others, their associates, to insure their buildings and other property against loss or damage by fire; and it appearing to the legislature that the prayer of the petitioners is reasonable, and ought to be granted—Therefore,

Style of incorporation.

Powers.

Proviso.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Robert Lee, Job Squire, Samuel Oliver, David S. Craig, Jonathan Bloomfield Marsh, and others, their associates, successors, and assigns, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Rahway Mutual Insurance Fire Company;" and by that name, they and their successors shall and may have succession during the continuance of this act, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the name of the Rahway Mutual Insurance Fire Company, shall be, in law, capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of the said corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts; and with regard to all such lands, tenements, and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagers, their heirs or assigns, the said corporation shall be bound to sell and dispose of the same, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years.

Company not to trade in stocks or merchandise.

SEC. 2. *And be it enacted,* That the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods or commodities whatsoever, or in buying or selling any stock created by any act of the congress of the United States or any particular state, unless by purchasing for the purpose of investing its capital stock, or any part thereof, in

the same, for the greater security, or by selling for the payment of its debts, or when such stock shall have been duly pledged to it by way of security of debts to the corporation, or for the payment of their deposits.

SEC. 3. *And be it enacted,* That it shall not be lawful for the president or a director of any other insurance company engaged in insuring houses and stores against loss by fire, to be president or director of the company incorporated by this act.

Who may not be president or director.

SEC. 4. *And be it enacted,* That the property and concerns of the said corporation shall be managed and conducted by fifteen directors, a majority of whom shall be citizens of this state, to be chosen by ballot, by and from among the members, to hold their offices for one year, and until others are chosen to fill their places; and that the election for directors shall be held on the first Tuesday in April in every year, between the hours of ten, in the forenoon, and two, in the afternoon, at such place as the majority of directors for the time being shall appoint; and public notice shall be given, by the said directors, in a newspaper printed in Rahway, and by advertisements set up in four of the most public places in the said town, of such time and place, not more than fourteen days, nor less than seven days, previous to the time of holding the said election: and if any of the said directors shall die, or refuse to serve, or neglect to act in their said office, for and during the space of six calendar months, successively, then, and in every such case, another director shall and may be chosen by ballot, in the place of each director so dying, refusing, or neglecting to act as aforesaid, by a majority of the directors, or such of them as shall be present at the next monthly meeting of the corporation after such vacancy shall happen, which person so appointed shall be a director until the next general election: and in case it should happen that an election of directors should not be held on any day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold an election of directors, in such manner as the by-laws of the said corporation shall have prescribed; and until an election of directors shall be held, according to the provisions of this section, the following persons shall be directors, namely, Robert Lee, Job Squire, Joel Clarkson, George F. Webb, Samuel Oliver, David S. Craig, Jonathan B. Marsh, Adam Lee, Joseph O. Lufberry, Jackson Freeman, Henry Mundy, Timothy Ross, Charles Cox, Robert C. Vail, and Jacob Flatt.

Time and mode of electing directors.

Corporation not dissolved for failure of electing on day prescribed.

SEC. 5. *And be it enacted,* That all persons who shall at any time hereafter insure in or with the said company, or be allowed so to do, shall be deemed and taken for members of the said corporation.

Persons insuring with the company, to be members.

SEC. 6. *And be it enacted,* That the directors of the said corporation shall not take or receive any compensation for their services, as directors; and no person being a debtor to

No compensation to directors.

the said corporation, excepting on a policy of insurance, shall be chosen or qualified to serve as a director.

Duties of directors.

SEC. 7. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duties and conduct of the officers of the said corporation, and touching all such other matters as appertain to the business, ends, and purposes which the said corporation is by this act entitled to; and also shall have power to appoint so many officers, clerks, and servants, for carrying on the business of the said corporation, and with such allowances, as to them shall seem meet: *Provided*, that such by-laws, rules, and regulations be not repugnant to the constitution and laws of the United States or this state.

Meetings of the directors and of the stockholders.

SEC. 8. *And be it enacted*, That the directors shall meet once in each and every month, and oftener if need be, at such time and place as the said directors shall appoint, for transacting the business of the said company: and there shall be a general meeting of the members of the said corporation on the first Tuesday in January in every year, if any eight of the directors, or any number of members insured to the amount of ten thousand dollars, or upwards, shall require the same; notice of such meeting to be given in the paper published at Rahway, if any such there be, and by a notice set up in at least four public places in the two adjacent townships, at least seven days, and not more than fourteen days, previous to such meeting: twenty-one members, at least, of said corporation, if so many there are, shall be required to form a quorum; and all meetings of the directors, and of the members, shall be held in such place, and conducted in such manner, as shall be from time to time prescribed by the by-laws of the said corporation; and it shall be lawful for the members, at any such meeting, to make or alter the by-laws, rules, and regulations which by this act are authorized to be made and prescribed by the directors, provided two-thirds of the members present concur therein; and the same shall not be altered or repealed but at a general meeting of the members.

President to be elected—by whom policies of assurance to be signed.

SEC. 9. *And be it enacted*, That at the meeting of the directors to be held in the month of April in each and every year, the directors shall choose, from among themselves, one person to be president, who shall continue in that office for one year, and until another shall be appointed in his stead; and it shall be the duty of the president to preside at all meetings of the directors; and all policies of assurance of the said corporation shall be signed by the president, and countersigned by a secretary or clerk, and sealed with the seal of the said corporation: and the said corporation may insure, from loss by fire, houses, stores, and other buildings, household furniture, goods, wares,

and merchandise; and all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such place, as shall be from time to time ordained and prescribed by the by-laws, rules, and regulations of the said corporation.

SEC. 10. *And be it enacted*, That no transfer of any policy of insurance of the said corporation shall be valid until entered in the books of the company, and certified thereon, by the secretary. Mode of transferring stock.

SEC. 11. *And be it enacted*, That it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contract for the payment of money, only except the same be under the seal of the said corporation; and all such notes, bills, and contracts shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law; nor shall the said corporation be concerned directly or indirectly in any banking or other operations not plainly indicated by the provisions of this act. Capital not to be employed in banking.

SEC. 12. *And be it enacted*, That this act shall continue and be in force until the first Monday in April, one thousand eight hundred and sixty, and no longer: *Provided* that the legislature may at any time alter, amend, and repeal this act when the public good may require it. Limitation of act.

Passed February 25, 1833.

AN ACT to authorize the sale of the real estate of Moses Smith, deceased.

WHEREAS it is represented, by the petition of Lois W. Smith, the widow, and David Coriell, administrator of the estate of Moses Smith, late of the township of Elizabeth, in the county of Essex, and state of New Jersey, who died intestate, and was possessed of certain real estate, situate in the said township of Elizabeth, in the county of Essex, which is much out of repair, and comparatively unproductive; and that it would be for the interest of the heirs at law and widow of the said deceased to have the said real estate sold, and praying a law to authorize the sale thereof—Therefore, Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That David Coriell be, and is hereby appointed trustee, with full power and authority to sell, dispose of, and convey two certain houses and lots of ground, with the appurtenances D. Coriell authorized to sell certain real estate of M. Smith, deceased.

thereto belonging, situate in the township of Elizabeth, in the county of Essex, and state of New Jersey, being the real estate of Moses Smith, deceased, as soon as conveniently may be, for the highest sum the same will bring, either at public or private sale, first advertising the same in a public newspaper printed in the county of Essex, nearest where the said real estate is situated, for the space of two months, and, when sold, to make, execute, and deliver, in due form of law, in his own name, as trustee aforesaid, good and sufficient deeds of conveyance, according to the estate and interest which the said Moses Smith had in the same at the time of his death; which sale being made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title, and interest which the heirs and widow of the said Moses Smith now have in and to the same.

Trustee to
give bond.

SEC. 2. *And be it enacted*, That before the said trustee enters upon the trust assigned him by this act, he shall enter into bond, with sureties, unto the governor of this state, in such amount as shall be approved by the orphans' court of the said county of Essex, conditioned for the faithful performance of said trust.

To keep ac-
count of sales,
and exhibit
same to or-
phans' court.

Distribution
of proceeds of
sale.

SEC. 3. *And be it enacted*, That the said trustee shall keep a full, fair, and just account of the sales by him made under this act, with the costs and expenses thereof, and exhibit the said account, under oath or affirmation, to the orphans' court of the said county of Essex, within six months after such sale or sales shall be made, to be approved of by the said court, which shall be recorded and filed by the said surrogate of said county, when approved of by the said court: and the said trustee, after deducting from the proceeds of such sale or sales all legal costs and expenses, and such reasonable commissions as shall be allowed by said court, together with such reasonable compensation as shall be agreed upon with the said Lois W. Smith for her right of dower in said premises, and approved of by the said court, shall pay the residue thereof to the guardian or guardians of the minor heirs of the said Moses Smith, deceased, in proportion to the legal rights of the said respective heirs; or if there be no guardian of the said respective minor heirs, then the said trustee shall place the said residue, or such part thereof as there shall be no guardian entitled to receive the same, at interest, on good security, and pay the same, with the interest that shall accrue thereon, to the said minor heirs, as they severally attain the age of twenty-one years, according to their respective shares.

When bond
to be prose-
cuted.

SEC. 4. *And be it enacted*, That if the said bond so to be given by the said trustee, shall become forfeited, it shall and may be lawful for the governor of this state for the time being, to cause the same to be prosecuted in any court of record having jurisdiction thereof, at the request and for the benefit, and at the

proper costs and charges of any person or persons aggrieved by such forfeiture.

Sec. 5. *And be it enacted*, That no sale or conveyance of the said real estate under and by virtue of this act, shall impair, or in any wise affect the rights or interests of any person or persons whatever, other than the widow and heirs at law of the said Moses Smith, deceased, and those legally claiming under them or either of them. Rights of others not to be affected.

Passed February 25, 1833.

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AN ACT to authorize Thomas Betts, Joshua C. Canby, executors, and Elizabeth Y. Walker, executrix of Samuel Walker, deceased, to execute a certain contract therein named.

Preamble.

WHEREAS it appears that some time in the year of our Lord one thousand eight hundred and twelve, Samuel Walker, deceased, of the city of Philadelphia, made, executed, and delivered unto John V. L. Walker, a deed of conveyance, of the one undivided moiety of the same tract of land which the said Samuel Walker, deceased, purchased by deed, dated nineteenth day of January, in the year of our Lord, eighteen hundred and two, of George Walker, deceased, situate in the county of Gloucester, and state of New Jersey; and that the said deed of conveyance so given by the said Samuel Walker, deceased, to the said John V. L. Walker, has been destroyed, mislaid, or lost; whereby Peter R. Walker, devisee of the said John V. L. Walker, is deprived of a good and sufficient deed for the same—therefore,

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the executors of the said Samuel Walker, deceased, be, and they are hereby authorized and empowered to make a deed of conveyance unto the said Peter R. Walker, devisee of the said John V. L. Walker, deceased, for the one undivided moiety of the above described tract of land, which shall have the same effect as a deed from the said Samuel Walker, deceased, in his life time would have had: *Provided*, that nothing in this act shall be construed as affecting or interfering with the rights of any other person or persons.

Certain lands of S. Walker, dec. to be conveyed to P. R. Walker

Passed February 26, 1833.

AN ACT confirming the partition of certain real estate of Isaac Smith and others.

Preamble.

WHEREAS, it has been represented by petition to this legislature, that Isaac Smith and Squier Smith, both late of Bloomfield in the county of Essex, deceased, owned in fee simple, as tenants in common, a certain farm in the township of Bloomfield, in the county of Essex, containing about twenty-five acres, and situated adjoining to, and on the north side of the old main road, leading from Bloomfield to Caldwell, and also a lot of meadow land, containing about five acres, in the township of Caldwell, in the said county of Essex, of which said real estate and premises, by mutual agreement between them, they made a division, and occupied the same in severalty; but no mutual releases or other conveyances were executed, confirming the said division; that the said Isaac Smith, in his life time, erected a dwelling house and other improvements, on the part or share which was by the said agreement assigned to him; that the said Squier Smith hath since died intestate, and without leaving issue, and leaving his brothers, Isaac Smith and David Smith, and his sisters, Penina Smith, Elizabeth Smith, and Mary, the wife of James Wild, jun. his heirs at law, and that since that event, and in the life time of the said Isaac Smith, the said Penina Smith died intestate and without issue; **AND WHEREAS**, after the death of the said Squier Smith and Penina Smith, the aforesaid division of the real estate, with some alterations, was agreed to be confirmed as follows, to wit: the lot of land of about five acres, situated in Caldwell, was set off and assigned to Isaac Smith; and the following, being the dividing line of the homestead farm, commencing in the line of the public road, which forms the southern boundary of the farm, and at the eastern side of the lane leading between the two dwelling houses. now upon the premises, and running thence north, twenty degrees west, four chains and twenty-four links, passing between said dwelling houses, and at nearly an equal distance from each, to a stake, and from thence, running south, sixty-seven and a half degrees east, one chain and forty links to a stake, thence north thirty-five degrees east, fourteen chains and sixteen links to a cross fence, thence with said fence north, fifty-four degrees and forty-five minutes west, eighty-one links, thence north, thirty-four degrees and thirty-nine minutes east, fourteen chains and forty-seven links, to the middle point of the northern side of said farm, dividing it into two parts: the western part being assigned and set off to Isaac Smith, and the eastern part to David Smith, Elizabeth Smith, and Mary, wife of James Wild, jun. as tenants in common: **AND WHEREAS**, since the making of the said partition, the said

Isaac Smith, has died intestate, on the fifteenth day of January, eighteen hundred and thirty-one, leaving a widow, and several minor children, who are unable to confirm the said partition—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said partition or division of the said real estate, as is specified in the preamble hereto, between the said Isaac Smith of the one part, and the said David Smith, Elizabeth Smith, and Mary, the wife of James Wild, jun. of the other part, be, and the same is hereby confirmed, and that the said partition shall be deemed and taken to be as valid and effectual, and to have the same force and effect as if the same had been legally perfected in the life time, and immediately before the death of the said Isaac Smith,

Forty thousand dollars tax to be raised.

Passed February 26, 1833.

AN ACT to raise the sum of forty thousand dollars, for the year one thousand eight hundred and thirty-three.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That there shall be assessed, levied, and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and thirty-four.

Forty thousand dollars tax to be raised.

SEC. 2. *And be it enacted*, That the said sum of forty thousand dollars shall be paid by the several counties of this state, in the proportion following, that is to say:—

Proportions of the counties.

The county of Bergen shall pay the sum of two thousand five hundred and ninety-nine dollars and eighty-four cents.

The county of Essex shall pay the sum of three thousand eight hundred and twenty-two dollars and four cents.

The county of Middlesex shall pay the sum of three thousand and two hundred and fifty-three dollars and thirty-six cents.

The county of Somerset shall pay the sum of two thousand six hundred and forty-two dollars and eighty-six cents.

The county of Sussex shall pay the sum of two thousand and twenty-five dollars and seventy cents.

The county of Morris shall pay the sum of three thousand one hundred and thirty-six dollars and two cents.

The county of Warren shall pay the sum of two thousand one hundred and eighty-five dollars and fifty cents.

The county of Monmouth shall pay the sum of three thousand seven hundred and twenty-three dollars and sixty-eight cents.

The county of Hunterdon shall pay the sum of four thousand five hundred and thirty-five dollars and eighty-four cents.

The county of Burlington shall pay the sum of four thousand three hundred and seven dollars and twelve cents.

The county of Gloucester shall pay the sum of three thousand three hundred and seventy-nine dollars and twenty-six cents.

The county of Cumberland shall pay the sum of one thousand five hundred and eighty-six dollars and eighteen cents.

The county of Salem shall pay the sum of two thousand one hundred and fifty-six dollars and sixty cents.

The county of Cape May shall pay the sum of six hundred and forty-six dollars.

Enumera-
tion of arti-
cles taxed at
specific sums.

SEC. 3. *And be it enacted*, That the assessors of the several townships of this state, to raise the sum of forty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums:

Every covering horse, above three years old, any sum not exceeding ten dollars, to be paid by the person where the horse is kept; all other horses or mules, three years old and upwards, any sum not exceeding three cents.

All neat cattle three years old and upwards, any sum not exceeding three cents.

Enumera-
tion of arti-
cles taxed at
discretion of
assessor.

SEC. 4. *And be it enacted*, That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things, shall be valued and rated at the discretion of the assessors, to wit:

All tracts of land, any sum not exceeding one hundred dollars by the hundred acres: *Provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors, at their discretion, having regard to the yearly rent and value thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

All householders, (under which description shall be included all married men) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding ten dollars.

All fisheries, where fish are caught for sale, any sum not exceeding ten dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomerics that work bar-iron immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills, any sum not exceeding nine dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards, where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars: *Provided*, that every single man possessed of a ratable estate, the tax whereof amounts to the sum above directed to be rated, shall be assessed for that estate only: *And provided also*, that any one taxed as a single man, shall not be taxed as a householder.

Every male slave under the age of sixty years, any sum not exceeding one dollar: *Provided*, no slave shall be taxed who is unable to labor.

All distilleries used for distilling spirits from rye or other grain, or molasses or other foreign material, any sum not exceeding thirty-five dollars.

All other distilleries used for distilling, any sum not exceeding ten dollars, having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise with steel or iron springs, any sum not exceeding four dollars.

Every four-horse stage-wagon any sum not exceeding five dollars.

Every two-horse stage-wagon, any sum not exceeding two dollars and fifty cents.

Every covered wagon with a frame or fixed top, any sum not exceeding one dollar..

Every two-horse chair or curricule with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulkey, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying company, any sum not exceeding ten dollars.

Every glass factory where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Duty of assessor.

SEC. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a fair valuation of all the real estate made liable by law, having regard to the yearly rent and value thereof, and that the amount of the tax assessed in each township, above what is raised from the certainties, shall be levied by a percentage upon such valuation.

Manner of assessing, and penalty for neglect.

SEC. 6. *And be it enacted*, That the said sum of forty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, in the year of our Lord one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts: and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

Passed February 26, 1833.

AN ACT relative to the truss bridge over Coopers creek, in the county of Gloucester.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall not

be lawful for any person or persons to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or ride, lead, or drive any horse or horses, mule or mules, or any description of cattle, over or upon the truss bridge over Coopers creek, in the county of Gloucester, at a faster gait than a walk; and every person so offending shall forfeit and pay five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same in the name of the collector of said county, the one moiety to the prosecutor, and the other to the county collector, for the use of the county: *Provided always*, that this act shall not be construed so as to prevent any physician, midwife, or person or persons going for such physician or midwife, or returning from said errand, riding express by order of any public officer of this state or the United States, or pursuing a fugitive fleeing from justice, or runaway servant or apprentice, from driving or riding over said bridge at a faster gait than a walk: *Provided also*, that the board of chosen freeholders of said county shall cause to be fixed, and always kept up, at each end of said bridge, in some conspicuous place, in plain letters, "Five dollars fine for travelling over this bridge at a faster gait than a walk;" and on neglect of such notice, the fine aforesaid shall not be incurred.

Penalty for driving over bridge faster than a walk.

Proviso.

Proviso.

SEC. 2: *And be it enacted*, That if any person or persons shall wilfully deface such letters, or any of them, as aforesaid, he, she, or they so offending shall forfeit and pay to the collector of said county, for the use of said county, the sum of five dollars, to be recovered by action of debt, with costs of suit, by any person who will sue for the same in the name of the collector of said county.

Penalty for defacing sign.

Passed February 26, 1833.

A further Supplement to the act entitled, "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thirteenth, one thousand eight hundred and twenty-eight.

WHEREAS it is provided by the twelfth section of the constitution of the state of New Jersey, that the clerks of the courts of quarter sessions, together with other officers in the said section named, shall be severally appointed by the council and assembly, in joint-meeting, and continue in office for the term of five years—**AND WHEREAS** the act of the legislature entitled, "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thir-

Preamble.

teenth, one thousand eight hundred and twenty-eight, constitutes the mayor, recorder, and aldermen of the city of Camden "a court of general quarter sessions of the peace in and for the said city of Camden"—AND WHEREAS the appointment of the clerk of said court, as provided for by the said act, is manifestly contrary to the letter and spirit of the said section of the constitution—Therefore,

Clerk of quarter sessions to be chosen by joint-meeting

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the clerk of the court of general quarter sessions of the peace of the city of Camden shall, from and after the passing of this act, be appointed by the council and general assembly of this state, in joint-meeting, and commissioned by the governor, in the same manner as the clerks of the inferior courts of common pleas and quarter sessions of the peace throughout the state are appointed and commissioned, and for the same term of service, and shall be, in like manner, amenable to the council and general assembly of this state.

The city council.

SEC. 2. *And be it enacted*, That the mayor, recorder, aldermen, and common council of the said city, when met in common council, shall be known and designated by the name and style of "the City Council."

AND WHEREAS doubts have arisen as to the proper construction of the second section of the act entitled, "A supplement to the act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester," passed March first, eighteen hundred and twenty-eight, providing for the election of the mayor of said city of Camden—Therefore,

Mayor to be chosen by city council.

SEC. 3. *Be it enacted*, That the recorder, aldermen, and common council of the said city of Camden, in city council met, shall annually elect and appoint, from among the aldermen of the said city, by the votes of a majority of the said city council, within the time directed by the said act, one suitable person to serve as mayor, who shall hold his office for the term of one year from said election and appointment.

Part of a former act repealed.

SEC. 4. *And be it enacted*, That so much of the fifteenth section of the act to which this is a further supplement, as provides for the appointment of the clerk of the court of general quarter sessions of the peace of the said city of Camden, and so much of the second section of the supplement of said act, as provides for the election and appointment of a mayor of said city, and all such other parts of the said act, and supplement thereto, as comes within the purview of this act, and repugnant thereto, be, and the same are hereby repealed.

Former acts of quarter sessions rendered valid. *

SEC. 5. *And be it enacted*, That all acts, judgments, and proceedings heretofore done or given by the mayor, recorder, and aldermen of the said city of Camden, as a court of general

quarter sessions, are hereby rendered as valid and effectual, to all intents and purposes, as if the clerk of said court had been constitutionally appointed.

Passed February 26, 1833.

AN ACT to make a further appropriation of money for the erection of the new State Penitentiary.

WHEREAS the legislature of this state, at its present session, passed an act authorizing the erection of a new state penitentiary, and has authorized an appropriation of thirty thousand dollars towards that object, but has only authorized the drawing of twelve thousand dollars of said appropriation.—**AND WHEREAS**, since the passing of said act, proper estimates of all the materials necessary, and of the costs of labor, have been furnished by a competent person, from which it appears that great saving will accrue to the state if the amount authorized to be drawn shall be increased to such a sum as will enable the commissioners to procure the building of said penitentiary, to proceed with all expedition, having due regard to economy; and whereas it is advisable that the progress of the work should suffer no unnecessary delay, and thereby increase the expense thereof.

Preamble.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That in addition to the amount of twelve thousand dollars, which the governor, or the person administering the government of this state, is authorized to draw in favor of the commissioners, appointed to build the said new state penitentiary, by the act of the thirteenth day of February of the present year, he shall be, and is hereby authorized to draw in favor of the said commissioners, from any unappropriated moneys in the treasury of this state, the further sum of eighteen thousand dollars, being the residue of the appropriation made by the aforesaid act for building the said state penitentiary.

\$18,000 additional to be drawn by commissioners.

SEC. 2. *And be it enacted,* That in case there should not be an amount of unappropriated money in the treasury of this state sufficient to meet the drafts, as authorized by this act and the act of the thirteenth day of February aforesaid, it shall and may be lawful for the governor, or the person administering the government of this state, to borrow an amount of money sufficient to meet the appropriations as aforesaid, at a rate of interest not exceeding five per centum per annum, and to reimburse the same at any time not less than one year from the

Governor authorized to borrow money.

time of contracting the loan; and the governor, or person administering the government of this state, is hereby authorized and empowered to pledge the faith of this state for the payment of the principal and interest of all moneys which may be borrowed as aforesaid.

Passed February 27, 1833.

AN ACT to incorporate the Franklin Beneficial Society of Trenton.

Preamble.

WHEREAS a number of the inhabitants of the city of Trenton and its vicinity, in this state, have formed themselves into an association, or society, to which they have given the name of "the Franklin Beneficial Society of Trenton;" the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual trade or calling, and also towards the decent interment of its members.—AND WHEREAS, it is believed, an act of incorporation will promote the objects of said society, and add security to the property thereof; and the said society having, by petition presented to the legislature, prayed to be incorporated—Therefore,

Style of incorporation.

Powers.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Charles Burroughs, Elias Phillips, John R. Tucker, William A. Benjamin, John McCulley, Charles C. Yard, Joseph McPherson, George W. Vanhart, and Doctor Joseph C. Welling, and all such other persons, not exceeding four hundred, as now are, or hereafter may become members of said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Franklin Beneficial Society of Trenton," and, by that name, they and their successors shall have continual succession, and be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and, by their name as aforesaid, under their common seal, may make and enter into, form, and execute any contracts or agreements relating to, touching, and concerning the objects of the said incorporation.

Sec. 2. And be it enacted, That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president or president pro tempore, treasurer, and secretary, and such other officers and assistants as shall be deemed necessary; who shall be elected by ballot, by a majority of the members present at such election, at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint and direct.

Officers of the corporation.

Sec. 3. And be it enacted, That the estate and property, of what kind soever the same may be, now held, or which may be hereafter held by the said society, shall be vested in the body politic and corporate hereby created; which said, body politic and corporate shall, by their name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same: *Provided*, that the clear yearly value or income of the real and personal estate of the said corporation shall not exceed one thousand dollars.

Property vested in the company.

Amount thereof limited.

Sec. 4. And be it enacted, That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time alter, amend, or change, as by them may be deemed expedient, such general form of constitution and by-laws, for the transaction of the business, and for effecting the purposes of the society aforesaid, as to the members of the society, or a majority of them, when duly met, shall be deemed right and proper: *Provided*, that nothing in the said constitution and by-laws shall be repugnant to the constitution and laws of this state or of the United States.

May make constitution and by-laws.

Sec. 5. And be it enacted, That the sole and exclusive objects of the society hereby incorporated shall be, the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of members or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as will accrue by carrying into effect the objects set forth in the preamble, as well in this, as in the foregoing sections of this act: and no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act.

Exclusive objects of incorporation.

Sec. 6. And be it enacted, That it shall be lawful for the council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper.

Act may be altered or repealed.

Passed February 27, 1833.

Additional Supplement to the act entitled, "An act constituting courts for the trial of small causes."

Appeal from
judgment
rendered in
absence.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from any judgment rendered, or that may be rendered hereafter, by any justice of the peace of this state, when the trial took place in the presence of the parties, it may be lawful for either party to appeal, although the judgment shall have been rendered in his absence: *Provided* the appeal be, in other respects, lawful, and demanded and granted within such time, and in such manner as is required in other cases.

Passed February 27, 1833.

AN ACT to divorce Sarah Ann Park from her husband Joseph B. Park.

Joseph B. and
Sarah Ann
Park divorced

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Sarah Ann Park be, and she is hereby divorced from her husband Joseph B. Park; and that the marriage contract heretofore existing between them, the said Sarah Ann Park and her husband Joseph B. Park, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed February 27, 1833.

AN ACT for the protection of bridges in this state.

Manner of
vessels pass-
ing draw-
bridge.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person or persons, having the command of any vessel, shall come within ten rods of any drawbridge, without first lowering his sails, so as to prevent the vessel from coming up against the bridge, as is frequently the case, until it is hoisted so that they can pass gently through, without doing any damage to said bridge, or shall hoist any draw, and keep it up more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat

through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, or any plank or planks, belonging thereto, or a part of said bridge, draw, posts, or piles, or shall remove any stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge, or shall at any time lay his vessel along side of said bridge, for the purpose of loading or unloading any hay, straw, bricks, or lumber, of any kind whatsoever, he or they so offending, for each and every offence shall forfeit and pay the sum of ten dollars, besides all damage that may be done to said bridge, to be recovered, in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county collector, for the use of said county where such damage may have been done.

Penalty for injuring bridge or leaving draw open.

SEC. 2. *And be it enacted,* That in case it should become necessary for the protection of any bridge, and the accommodation of persons passing over or through any bridge, to have the same put in the special care of some person suitable for said purpose, then and in that case it shall and may be lawful for the board of chosen freeholders of said county for the time being, where such bridge may be, to make such regulations as they shall deem necessary for the better protection and accommodation of the same: *Provided* they shall be in accordance with the preceding section of this act.

Bridge may be put in special care of person appointed.

Passed February 27, 1838.

AN ACT to dissolve the marriage contract between Alpheus Coon and Elizabeth Coon.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Alpheus Coon and Elizabeth Coon, of the county of Somerset, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in the bands of matrimony.

Alpheus and Elizabeth Coon divorced.

Passed February 27, 1838.

AN ACT to authorize Ann Newport and David Newport to sell and convey certain real estate of Benjamin Newport, deceased.

Preamble.

WHEREAS it is represented to this legislature, that Benjamin Newport, late of the Northern Liberties, of the city and county of Philadelphia, and commonwealth of Pennsylvania, now deceased, in his lifetime was the owner of certain real estate situate in the county of Salem, in this state.—**AND WHEREAS** the said Benjamin Newport, in his lifetime, did make and execute his last will and testament, in writing, and did order and direct his executors, therein named, to sell the aforesaid real estate; and the executors, therein named, did decline taking upon themselves the execution of the said last will.—**AND WHEREAS** the aforesaid Ann Newport and David Newport did administer to the estate of the said Benjamin Newport, deceased, with the will annexed.—**AND WHEREAS**, in the progress of the execution of the provisions of said will, and from the manner in which the same was executed, doubts have arisen whether the said administrators, under the provisions of the said will, are legally authorized to sell and convey the aforesaid real estate, without legislative aid in the premises.—Therefore,

Administrators of Benjamin Newport, deceased, authorized to sell real estate.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Ann Newport and David Newport, administrators with the will annexed of Benjamin Newport, or the survivor of them, be, and they are hereby authorized and empowered to sell all the real estate whereof the said Benjamin Newport died seized, situate in the county of Salem, in this state, agreeably to the direction and provisions of the last will and testament of the said Benjamin Newport, deceased, and to execute, in due form of law, to the purchaser or purchasers thereof, their heirs and assigns, a deed of conveyance of all the estate and interest of the said Benjamin Newport, deceased, to the said lands, situate as aforesaid; and that the said deed or deeds, so to be made and executed, shall convey and vest in the purchaser or purchasers thereof, their heirs and assigns, all the estate, right, title, and interest which the said Benjamin Newport, deceased, had, at the time of his death, of, in, and to the said lands, and shall be as valid and effectual for that purpose, as if made, executed, and acknowledged by the said Benjamin Newport during his lifetime.

Distribution of proceeds of sale.

SEC. 2. *And be it enacted,* That the said Ann Newport and David Newport, or the survivor of them, in making the sale of the said real estate, and of the distribution of the proceeds of the sale thereof, shall, in all things, be governed by, and subject to, the provisions and instructions of the last will and testament of the said Benjamin Newport, deceased, respecting

the sale of the said lands, and the distribution of the proceeds thereof, and shall fairly and justly account therefor in the settlement of his, her, or their accounts.

Passed February 27, 1833.

A further Supplement to an act entitled, "An act to regulate the election of members of the legislative council and general assembly, sheriffs, and coroners of this state," passed June first, eighteen hundred and twenty.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the judge and inspectors of the elections, in the several townships, shall, severally, have power to administer oaths and affirmations, and to examine persons touching the qualifications of voters who shall offer to vote at any election authorized and directed by the laws of this state: and if any person, on such examination, shall knowingly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

Election officers may administer oaths to voters.

SEC. 2. *And be it enacted,* That if any person shall knowingly and wilfully offer to vote at any general or annual election, when, by law, such person is not legally entitled to such vote, such person so offending shall forfeit and pay the sum of twenty dollars, to be recovered, with costs, in an action of debt, by any person who shall prosecute for the same, one half for the use of said prosecutor, and the other half for the use of the poor of the township where the offence shall be committed.

Penalty for offering to vote when not entitled.

Passed February 27, 1833.

A further Supplement to the "Act concerning Roads," passed February the ninth, eighteen hundred and eighteen.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That, for the equitable distribution of any expense which may accrue in making and keeping in repair any private road or bridge, whereby two or more persons owning real estate may be benefited by the use of said road, in going to or from their said premises, it shall and may be lawful for any person so using said road to make and keep in repair said road or

Manner of keeping in repair private roads or bridges.

bridge at any time when the same may be necessary; and the expense of said repairs shall, on the refusal of any individual to pay his proportion thereof, to the person from whom the money may be due, on the application to two freeholders, entirely disinterested in the same, be assessed by said freeholders after the valuation of said work upon the owner or owners benefited thereby, according to the advantages he or they may respectively receive.

Money for repairs may be recovered from delinquents.

SEC. 2. *And be it enacted*, That upon the receipt of the said assessment, made out by the freeholders in manner aforesaid, the person who may have expended money in the making or repairing any such private road or bridge shall, in person or by notice in writing, left at the usual place of abode of each or any person or persons upon whom such assessment may be made, demand of the same the sum so assessed as aforesaid; and if any person or persons upon whom any such assessment be made, shall neglect or refuse to pay the amount of said assessment for the space of twenty days after payment of the same shall have been demanded, it shall and may be lawful for the person who may have disbursed the said money, to sue for and recover from every such delinquent person or persons upon whom such assessment shall have been made, the amount of such assessment, together with the costs of suit, by action of debt, in any court of competent jurisdiction.

Passed February 27, 1833.

AN ACT establishing an independent regiment of horse artillery.

Independent regiment of horse artillery established.

Officers.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the officers now attached to the independent regiment of horse artillery, and such other officers as may hereafter elect to join said regiment, shall be organized under the name of the "Independent Regiment of Horse Artillery;" that the regiment shall consist of two or four squadrons, and each squadron shall consist of two or four troops, that the officers of the regiment shall consist of one colonel, one major to each squadron, one surgeon, one judge advocate, one regimental adjutant, one adjutant to each squadron, one quarter-master and one paymaster; that each troop shall consist of one captain, four lieutenants, one surgeon's mate, one quartermaster sergeant, one orderly sergeant, four sergeants, and four corporals; that the field officers of the regiment, shall constitute a regimental board, of which the regimental adjutant shall be clerk;

and shall be invested with all the powers of a battalion court of appeal, and brigade board, and authorized to receive and appropriate all fines incurred in said regiment, and to vary the days of exercise, and time of holding their courts of appeal, and to order extra parades, and appoint the staff and troop officers of said regiment.

Sec. 2. And be it enacted, That the fines for non attendance on parade shall be, on a colonel, ten dollars, on a major, eight dollars, on all staff and commissioned officers, six dollars, and on all non commissioned officers, two dollars, and on supernumeraries or exempts, the same fines as are imposed by the existing laws of the state; that for the purpose of raising sufficient funds to defray the expenses incident to a corps of horse artillery, there shall be kept by the orderly sergeant of each troop, a regular muster roll, and that all persons signing the same, shall be considered as supernumerary or exempts; not exceeding fifty men to each troop, and that the certificate of the regimental board, that any person belongs to the said supernumerary or exempts of said regiment, shall discharge him from all fines for the non-performance of military duty elsewhere; that the said regiment consist only of the field officers, staff officers, and commissioned officers, and non-commissioned officers, and that the same be established and considered as a corps of instruction; that the officers belonging to the cavalry who may receive commissions in said regiment, shall not be considered as having their commissions vacated, by receiving such commission in said regiment, that the commanding officer shall report annually to the adjutant general, the armament, state and condition of the regiment; and the said independent regiment in all other respects shall be regulated and subject to the militia laws of the state.

Fines for non attendance.

Exempts.

Officers, a corps of instruction.

Commissions of officers of cavalry not vacated by receiving commissions in the corps of instruction.

Governor authorized to loan a park of light artillery.

Sec. 3. And be it enacted, That the executive of this state be hereby authorized to effect of the general government either a loan of a park of light artillery consisting of twenty-four brass pieces of ordnance with their caissons and implements, of the caliber of six pounders and adapted to the service of horse artillery, or to receive such park of artillery in lieu of the proportion of small arms, now due or coming due from the general government to the state of New Jersey.

Passed Feb. 27, 1883.

A Supplement to the act entitled, "An act to incorporate the Belvidere Bridge Company," passed March fifth, eighteen hundred and thirty-two.

Preamble.

WHEREAS the legislature of the state of Pennsylvania, by an act entitled, An act to incorporate the Belvidere Bridge Company, have ratified and confirmed the said act of the legislature of this state, entitled an act to incorporate the Belvidere Bridge Company, as fully and amply as if the same had been re-enacted at large section by section, except that instead of the tolls, which by tenth section of the said act, the said company is entitled to demand and receive, the amount to be by them demanded and taken on the following subjects, shall not exceed the following rates, to wit:—

For every coach, landau, Phaeton, or other pleasure carriage with four wheels drawn by four horses, the sum of fifty cents, and for the like carriages with two horses, the sum of thirty-seven and a half cents.

For every wagon with four horses, the sum of fifty cents, and for every carriage of the same description drawn by two horses, the sum of thirty-one and one fourth cents.

For every chaise, riding chair, sulkey, cart, or other two wheeled carriage or sled with two horses, the sum of thirty-one and one fourth cents, and for the same with one horse, the sum of eighteen and three-fourths cents—therefore,

Former act
modified and
tolls reduced.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said act to which this is a supplement, so modified and confirmed by the said act of the legislature of Pennsylvania, shall go into immediate effect and operation, the same as if the act of the legislature of Pennsylvania had vested the like powers and authority in the subscribers to the said capital stock of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges and franchises, and emoluments, as to the said company are given by the act to which this is a supplement, and that so much of the tenth section of the act to which this is a supplement as is contradictory to the said act of the legislature of Pennsylvania and this supplement, be and the same is hereby repealed,

Passed February 27, 1833.

AN ACT to authorize Ann Hendrickson, administratrix of William Hendrickson, deceased, to fulfil certain contracts respecting real estate, made by the said William Hendrickson, deceased.

WHEREAS it is represented to the legislature, that William Hendrickson late of the township of Lawrence in the county of Hunterdon, deceased, being seized in fee simple of a certain lot of land situate in the said township, did, in his life time, enter into an agreement in writing to sell and convey unto the Delaware and Raritan Canal Company, so much of the said lot or parcel of land, as should be necessary for the construction and use of the said canal, in passing through and over the same, and that in pursuance of the said agreement, the said company, in the life time of the said William Hendrickson, did enter upon the said land, and have constructed their canal through the same, and that the said William Hendrickson, died without having executed a deed in pursuance of the said agreement—**AND WHEREAS** it is also represented that the said William Hendrickson, and one Israel Hendrickson, being severally entitled, as tenants in common, in fee simple, to one equal undivided moiety or half part of a certain farm or plantation, whereof Philip Hendrickson died seized, situate in the township of Lawrence aforesaid, did enter into an agreement in writing, to make partition of the said farm amicably between them, in pursuance of which said agreement, a partition of the said farm was made into two equal shares or parts, and the metes and bounds of each share ascertained; but that no release was ever executed between the said parties.—**AND WHEREAS** the said William Hendrickson departed this life intestate, leaving Ann Hendrickson, his widow, and four infant children, his heirs at law; **AND WHEREAS** the said Ann Hendrickson, to whom letters of administration upon the estate of the said William Hendrickson, deceased, have been committed, hath by her petition to the legislature, prayed that she might be authorized to fulfil the said contracts, and the prayer of the said petition appearing to be just and reasonable—therefore,

SEC 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Ann Hendrickson, administratrix of William Hendrickson, deceased, be, and she is hereby authorized and empowered to make, execute, and deliver to the Delaware and Raritan Canal Company, a sufficient deed of conveyance in fee simple, for so much of the said lot of land, as may have been found necessary for the construction and use of the said canal, which said deed of conveyance when duly made and executed, shall be as good and effectual to all intents and pur-

Preamble.

A. Hendrickson authorized to convey certain lands of W. Hendrickson, dec. to Delaware and Raritan Canal Company.

poses, as if executed by the said William Hendrickson and Ann his wife, in the lifetime of the said William Hendrickson, and shall vest the title to the land thereby conveyed to the said Delaware and Raritan Canal Company.

Authorized
to release cer-
tain lands to
Israel Hen-
drickson.

SEC. 2. *And be it enacted*, That the said Ann Hendrickson, administratrix as aforesaid, be, and she is hereby authorized and empowered to make, execute, and deliver, unto the said Israel Hendrickson, a good and sufficient release and quit-claim for all that part of the said farm or plantation whereof Philip Hendrickson died seized, which was assigned and set off to the said Israel Hendrickson, under and by virtue of the said agreement so as aforesaid entered into between the said Israel Hendrickson and William Hendrickson; which said deed of release, when duly made and executed, shall be as good and effectual, to all intents and purposes, as if executed by the said William Hendrickson and Ann his wife in the lifetime of the said William Hendrickson.

Passed February 28, 1833.

AN ACT to defray incidental charges.

Certain inci-
dental charg-
es directed to
be paid.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be lawful for the treasurer of this state to pay the several persons, herein after named, the following sums, to wit:

To William Grant, for journal for use of state; for Lehigh coal; for postage; for expenses going to, and returning from Philadelphia, four times, on business relative to school fund, under direction of trustees, seventy-nine dollars, sixty-seven cents.

To Joseph Boroughs, for eleven cords of hickory wood, for use of state house, sixty dollars, fifty cents.

To Elisha Reeves, for eight cords hickory wood, for use of state house, forty-eight dollars.

To John Kimbury, for sawing and splitting wood at state house, seven dollars.

To Daniel Fenton, for paper, ink, quills, letter stamps, pencils, paper folders, &c., fifty-one dollars, thirty-eight cents.

To T. R. Sterling, for candles for use of state house, fifty dollars, sixteen cents.

To William A. Benjamin, for desk locks in state house, &c., eight dollars, ninety-three cents.

To Daniel Child, for putting on desk locks in state house, one dollar, fifty cents.

To Liscomb R. Titus, for tumblers, two dollars, twenty-five cents.

To Henry B. Howell, for cord, toweling, rope for pulley, &c., one dollar seventy-two cents.

To William Robinson, for putting on desk locks in state house, one dollar, seventy-five cents.

To Joseph Kaighn, for expenses incurred by the joint-committee, (appointed on the subject of building new prison) in going to and from Philadelphia, to view the Eastern Penitentiary of Pennsylvania, and to obtain such other information in regard to the object for which they were appointed, as possible: likewise for the expenses of the architect and warden, with one of the directors, of the Eastern Penitentiary of Pennsylvania, whilst on a visit here, in compliance with an invitation given them by the joint-committee, seventy-four dollars, thirty-six cents.

To Peter D. Vroom, for expenses paid for improvement of state property, for postage, eighteen hundred and thirty-two, &c., ninety dollars, sixty cents.

To William Robinson, for work done, as per bill, and approved of by the quartermaster general, eighty-five dollars, fifty cents.

To Joseph Hammitt, as per bill of articles bought for use of state and arsenal, approved by the quartermaster general; for hire of carriage to take the committee appointed to settle the state prison account down to the prison, thirty-three dollars eighty-six cents.

To the clerk in chancery, for entering and enrolling the decrees remaining unenrolled when he came into office, pursuant to the act respecting the enrollment of decrees in chancery, passed February twenty-first, eighteen hundred and thirty-two, such sum as by the certificate of the chancellor shall appear due therefor, when the same is completed.

To Charles Parker, for a coal grate, in the government house, purchased of William Hyer, ten dollars.

To James Mason, for sawing, splitting, and piling away thirteen cords wood, at one dollar per cord, thirteen dollars.

To Thomas Cain, for candles, as per bill, two dollars, ten cents.

To Thomas Cain and son, for candles for use of state house, &c., sixteen dollars, sixty-three cents.

To M. Johnson, for paper, quills, wafers, riband, sand, &c., thirty-one dollars, fifty-six cents.

To George Sherman, for printing list acts passed by legislature; for printing public bills; for printing resolutions, reports of committees, &c.; for newspapers furnished legislature first and second sittings, one hundred twenty-five dollars, thirty-nine cents.

To Martin C. Howe, for glass, and setting same, in state house, &c., seven dollars, fifty cents.

To Joseph Justice, for printing bills, resolutions, reports of committees, &c., and furnishing newspapers for legislature, one hundred ninety-four dollars, ninety-four cents.

To E. B. Adams, for printing public bills, governor's messages, documents accompanying the same, &c., two hundred sixty-six dollars, eighty cents.

To John T. Robinson & Co., for furnishing newspapers to legislature, thirty-four dollars, sixteen cents.

To Morris Justice, for towels, pencils, sand, &c., for council, nine dollars and six cents.

To Henry Wharton, for sixty-four days for boy, making towels, &c., buying wood for state, &c., forty-three dollars, eighty-seven cents.

To James Fausett, for fifteen candlesticks, wash basin, &c., eight dollars.

To M. Johnson, for paper and quills, two dollars.

To William Hancock, for iron work for state house, repairing locks, &c., five dollars, seventy-five cents.

To Peter I. Clark, for expenses incurred in going to and from Philadelphia, to meet joint-committee on the subject of new state prison, nine dollars.

To Samuel R. Hamilton, for costs on two bills of indictment, ninety-four dollars, eight cents.

To James D. Westcott, for notifying banks of the election of treasurer; for countersigning and registering the treasurer's checks; transmitting and receiving laws from the several state executives; for making marginal notes, and compiling index to the laws of 1831-2, such sum as the governor and attorney general, upon examination, shall certify to be just.

To Samuel L. Southard, for postage, thirty-one dollars, twenty-three cents.

To E. B. Adams, for newspapers furnished legislature, first and second sessions, twenty-eight dollars, eighty-four cents.

To Elias Phillips, for work in arsenal, &c., approved by quartermaster general, thirty-eight dollars, seventy-two cents.

To Joseph Hammitt, for work in removing arms from state house, &c., approved by quartermaster general, forty-one dollars.

Passed February 28, 1833.

JOINT RESOLUTIONS.

WHEREAS the governor of Pennsylvania has informed the governor of the state of New Jersey, that he has, by virtue of a resolution of that commonwealth, appointed three commissioners, to meet a like number, if they shall be appointed on the part of New Jersey, to view a certain dam in the river Delaware, at Wells' falls, as well as any other obstructions in said river, authorized by either state, or the citizens thereof, and ascertain the facts, and make report thereon, to the governors of the respective states—Therefore, Preamble.

RESOLVED *by the Council and General Assembly*, That the governor of this state be authorized to appoint three commissioners to meet the said commissioners on the part of the state of Pennsylvania, to examine and report according to the provisions of the said resolution; and also to report how the said obstructions may be obviated, having due regard to a safe and convenient navigation of the river, and the use of the waters thereof, for actual or contemplated improvement, without injury to the said navigation. Commissioners to be appointed to meet commissioners of Pennsylvania

Passed January 17, 1833.

RESOLVED *by the Council and General Assembly of this State*, That the quartermaster general be directed to procure a building, in which the arms now in the state house may be deposited, and that he cause the same to be removed to said building, without delay. Arms to be removed from state house.

Passed January 21, 1833.

RESOLVED *by the Council and General Assembly*, That the governor of this state be, and he is hereby authorized to employ some fit and discreet person, learned in the law, to amend, revise, and digest all acts, parts of acts, and supplements relating to the ordinary and his surrogates, the orphans' court, Revision of orphans' court system.

and the practice and proceedings in all matters severally cognizable before them, or which of right ought so to be, which person so employed as aforesaid shall be instructed to make report in the premises to the next sitting of the legislature.

Passed February 6, 1833.

Preamble.

WHEREAS the vessel owners and others, inhabiting parts of the counties of Gloucester, Burlington, and Salem, adjacent to the river Delaware and its numerous creeks and inlets, have long been subjected to much inconvenience and expense in obtaining their licenses, &c., in consequence of the want of a port of entry at Camden, through which place they mostly pass on their way to Philadelphia, where their business generally lies.—**AND WHEREAS** the legislature of the state of New Jersey believe the establishment of a port of entry at Camden would relieve the said vessel owners and builders of a burthensome tax on their time and money, some of whom are now compelled to travel from thirty to fifty miles for their papers, &c.—Therefore,

Establishment of Camden as a port of entry recommended.

SEC. 1. *BE IT RESOLVED by the Legislative Council and General Assembly of the State of New Jersey,* That the senators and representatives of this state, in the congress of the United States, be requested to use their exertions and influence to procure the passage of an act of congress establishing a new and distinct collection district, composed of parts of the counties of Gloucester, Burlington, and Salem, of which Camden shall be the port of entry.

SEC. 2. *Be it resolved, by the authority aforesaid,* That the governor of this state do forward to each of our representatives in the congress of the United States, a copy of the foregoing preamble and resolutions.

Passed February 8, 1833.

E. B. Adams
printer of the
laws.

RESOLVED by the Council and General Assembly of this State, That E. B. Adams, of Trenton, be appointed to print the laws of this session of the legislature, at thirty-two dollars per sheet, and that sixteen hundred copies be printed on the large octavo pages heretofore used.

Passed February 12, 1833.

WHEREAS the people of the state of South Carolina, in convention assembled, have, by an ordinance, dated twenty-fourth of November, eighteen hundred and thirty-two, declared and ordained that the several acts and parts of acts of the congress of these United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, are unauthorized by the constitution, violate the true intent and meaning thereof, and are null and void, and not binding upon the said state, its officers or citizens have proclaimed their determination to enforce said ordinance at every hazard, denied the authority of the general government to enforce the revenue laws within the said state of South Carolina, and transmitted a copy of such ordinance, together with an appeal to the people of the United States, to the executive of this state.—**AND WHEREAS** the high obligations we owe to our common country, as a member of this great confederacy, as well as the due preservation of the inestimable privileges we enjoy under this free and happy government, secured by the toils, and cemented by the blood of our common ancestors, has rendered it an imperative duty to proclaim our opinions upon this important subject—Therefore, in the name, and in behalf of the people of the state of New Jersey, and as their legal representatives,

Preamble:

1. **BE IT RESOLVED** by the Council and General Assembly of said State, That the constitution adopted and sanctioned by the people of these United States, as well as our early history, our common interest, our habits, our intercourse, our love of freedom, the honor, strength, and durability of our country, proclaim that all the states of this Union make one indivisible nation, united in prosperity and adversity, in peace as in war, by the sacred and indissoluble bond of their Union.

Indivisibility
of the nation.

2. **Resolved**, That we deprecate the acts and proceedings of our brethren of the state of South Carolina, as opposed to the fundamental principles upon which the government of these United States is based, as violating the spirit and meaning of the federal constitution, and tending to rend asunder those ties of common interest and fraternal regard, of mutual dependence and reciprocal obligations, which are alike our pride, our glory, and our strength, and which have proclaimed us to the world a united people.

Disapproval
of acts of S.
Carolina.

3. **Resolved**, That when South Carolina, together with all the other states, acceded to this Union, and adopted the constitution, she and they became thereby irrevocably bound, that all controversy upon the constitutionality of an act of congress should be finally adjudicated by the supreme court of these United States; the sacred charter of our liberties never contemplated that each state had reserved to itself an ultimate appeal to its own citizens in their sovereign capacity.

Constitution-
ality of acts
determined
by supreme
court.

Protection of
manufactures
by govern-
ment.

4. *Resolved*, That the manufactures of America, are one of the elements of our independence and greatness, not oppressing, but advancing hand in hand with agriculture and commerce. These three sources of national prosperity demand equally the fostering protection of government; to crush either would be to paralyze all; and to the general government, alone, standing on an elevation to survey the whole ground, belongs the information, the wisdom, and the power, to apportion just patronage wherever circumstances may require.

Amendments
to the consti-
tution, how
to be made.

5. *Resolved*, That the constitution of the United States now contains, within itself, an ample provision for its amendment, and for the remedy of every evil which may arise from unforeseen events or ambiguous construction. When this provision shall be legally called into operation, we shall be prompt to concede all to justice, much to fraternal feeling, and somewhat even to local excitement and mistaken enthusiasm. But it cannot comport either with dignity or sound policy to yield aught in the face of threatened disunion and an armed resistance to the laws.

Approval of
president's
proclamation.

6. *Resolved*, That the principles contained in the proclamation and late message of the president of the United States, meet our entire approbation; and that we will sustain the chief magistrate of the Union in the constitutional enforcement of these principles.

No separate
state can exist
in the centre
of our territo-
ry.

7. *Resolved*, That we implore our fellow citizens of South Carolina, allied, as they are to us, by all the heart-stirring and inspiring recollections of the eventful struggle that made us an independent nation, maturely to ponder over the present crisis in their affairs, and magnanimously to return to more temperate counsels, and a juster sense of that obedience to the general will which constitutes the lasting security, and should be the glory and the ornament of every member of this confederacy. But should our fellow citizens of South Carolina, contrary to our reasonable expectations, unsheath the sword, it becomes our solemn and imperative duty to declare, that no separate nation ought or can be suffered to intrude into the very centre of our territory.

Copies to be
sent to the
president and
others.

8. *Resolved*, That the governor be requested to transmit a copy of these resolutions to the president of the United States, to each senator and representative in congress from this state, and to the governors of the respective states of the Union.

Passed February 18, 1833.

Preamble.

Whereas Daniel Fenton, of the city of Trenton, hath, by his petition to the council and general assembly of this state, set forth that he has issued proposals for publishing, by subscrip-

tion, a work to be called the *History and Gazetteer of the state of New Jersey*, written by Thomas F. Gordon, esquire, an author who is represented to be entirely competent to the successful execution of such a performance, and has respectfully prayed of the legislature a share of public patronage; and it appearing that such a work, if judiciously compiled, will be of essential benefit to the public, and that the prayer of the petitioner is reasonable—Therefore,

SEC. 1. *It is resolved by the Council and General Assembly of the state of New Jersey*, That the treasurer of this state be authorized to subscribe for one hundred and twenty-five copies of said work, and that he receive the same, when published, for the use of the state; and that he be authorized to pay to the said Daniel Fenton the sum of three dollars and fifty cents for each copy, when delivered to him: which said copies shall be subject to the disposition of the legislature, to be distributed as they may hereafter direct.

Subscription authorized to Gordon's History of New Jersey.

SEC. 2. That the said Thomas F. Gordon, or his agent, be admitted, at all reasonable times, to have access to the State Library and such public documents as may be necessary and useful for the purpose of perfecting his said work, without fee or reward.

T. H. Gordon to have access to state library.

Passed February 21, 1833.

RESOLVED by the Council and General Assembly, That the governor of this state be, and he is hereby authorized to appoint some person learned in the law to revise, alter, modify, amend, and digest all acts, parts of acts, and supplements on the subject of crimes and their punishment, and other acts, parts of acts, and supplements appertaining thereto, or relating to criminal proceedings; who shall be requested to make report in the premises to the next session of the legislature.

Digest of criminal law.

Passed February 27, 1833.

RESOLVED by the Council and General Assembly of this State, That William Grant and Jasper S. Scudder are hereby appointed commissioners to repair the dwelling house, carriage house, and fences on the government lot in the city of Trenton, as they may deem necessary and expedient; and that the treasurer of the state be authorized and directed to pay the

Government house to be repaired.

order of the said commissioners for such repairs out of any unappropriated money in his hands, any sum not exceeding three hundred dollars, which sum is hereby appropriated for that use.

Passed February 27, 1833.

Appointment
of printers of
law and chan-
cery reports.

RESOLVED *by the Council and General Assembly of this State,* That George Sherman, of Trenton, be employed to print the law reports, sixteen hundred copies, at thirty-two dollars per sheet; and that Edward Sanderson, of Elizabethtown, be employed to print the chancery reports, the same number of copies, and at the same price, as the law reports, and that the same be printed on as good paper and the large octavo page, as heretofore used.

Passed February 27, 1833.

Preamble and Resolutions respecting the public lands.

Preamble.

WHEREAS the public lands of this Union, having been acquired by the united exertion, and at the common expense of those who achieved our independence and established this government, it is proper and just that in the future disposition of this splendid domain, the wishes and interest of those who acquired it should be expressed and consulted—**AND WHEREAS** the people of New Jersey, feeling a deep interest in the decision which is about to be made upon this subject, (involving in its result as well a most sacred principle of justice as an immense amount of revenue) we, their representatives, consider it due to them to express our sentiments upon this important measure—Therefore,

Approval of
the land bill
pending be-
fore congress.

RESOLVED *by the Council and General Assembly of this State,* That the public lands having been acquired by the common blood and common treasure of the country, sound policy and equal justice require that they should be held or disposed of for the common benefit.

Resolved, That we consider the land bill, now before congress, as embracing and providing for the interests of all the people of the United States, and that the impartial justice and comprehensive equity of its provisions deserve the support of our senators and representatives in congress.

Resolved, That the governor of this state be requested to forward a copy of these resolutions to our senators and representatives in congress.

Passed February 27, 1833.

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ACTS
OF THE
FIFTY-SEVENTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT to divorce Phebe West from her husband John West.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Phebe West, of the county of Monmouth, be, and she is hereby divorced from her husband John West, and that the marriage contract heretofore existing between them, the said Phebe West, and John West her husband, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed January 16, 1834.

AN ACT to divorce Margaret McCabe from her husband James McCabe.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same, That Margaret McCabe, of Nottingham township, in

the county of Burlington, be, and she is hereby divorced from her husband James McCabe, and that the marriage contract heretofore existing between the said Margaret McCabe and James McCabe, be, and the same is hereby as fully and absolutely dissolved, as if they never had been joined in matrimony.

Passed January 16, 1834.

AN ACT to authorize Chileon Beach to sell certain Real Estate therein named.

WHEREAS, it appears that Cornelia Beach, deceased, wife of Chileon Beach, died about the twenty-fifth of November, in the year of our Lord one thousand eight hundred and thirty-two, seized of the one undivided fifth part of two tracts or lots of land; one of about one hundred and thirty-five acres, in the township of Jefferson in the county of Morris, called the mountain lot, and the other of about three hundred and sixty-five acres, part in the said township of Jefferson and part in the township of Pequannock in said county, called the Mount Pleasant property, subject to the right of her said husband in the same by virtue of their marriage, leaving nine infant children by her said husband, her heirs at law; and that previous to her death a verbal agreement was made with her approbation and consent and by her, to sell the said lots of land to her brother Chileon F. De Camp; and that for her undivided share, he was to pay her said husband five hundred dollars, and that her said brother held possession of the said lots of land and made valuable improvements on the same, and paid to her said husband one hundred dollars of the purchase money of her undivided share before her death; and she the said Cornelia Beach, having died before the execution of the said deed, and thereby prevented the execution of the same—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Chileon Beach, the surviving husband of Cornelia Beach, deceased, be, and he is hereby authorized and empowered to sell and convey to the said Chileon F. De Camp, the said two lots of land in accordance with said agreement, and all the right and title which she the said Cornelia Beach,

Authorized to convey certain lands.

had in her life time, in the same, upon the said Chileon F. De Camp, paying to the said Chileon Beach, the balance of the consideration money now due for the same under said agreement, and to execute and deliver as good and sufficient deed therefor, as his said wife or he and his said wife together, or separately could have done in her life time, and to be equally effectual in law as if done in her life time; *provided nevertheless*, that before the said Chileon Beach receive the balance of the consideration money, he give bond to the Governor of this state, in such sum and with such security as the Orphans' Court of said county may direct and approve; that the balance of the consideration money as above mentioned, at the decease of the said Chileon Beach, be paid to the said minor children or their legal representatives, in proportion to their respective rights in the same.

Passed January 16, 1834.

AN ACT to authorize the administrators of Jacob Krouse, deceased, to execute a certain contract made by said deceased, with one Michael Frackenthall, for the sale of real estate.

WHEREAS, it appearing to the legislature, that Jacob Krouse, deceased, late of the township of Nockamixon, in the county of Bucks, in the state of Pennsylvania, who died intestate, did, in his life time, make a parol agreement, with one Michael Frackenthall, for the sale of the undivided one third of a certain island, in the township of Alexandria, in the county of Hunterdon, in this state, distinguished by the name of Loughley's Island, now known by the name of Saw-Mill Island, in the river Delaware near the foot of Lynn's Falls, containing one acre of land, more or less; and that all the purchase money has been paid; *and whereas*, the said Jacob Krouse, departed this life without having made a deed of conveyance for the aforesaid premises, to the said Michael Frackenthall, and the heirs at law of the said Jacob Krouse, deceased, being incompetent, by reason of their minority, to convey the same; *and whereas*, the administrators of the said Jacob Krouse, deceased, have by their petition requested, that they be empowered to make a deed to the said Michael Frackenthall, for the lot of land aforesaid—Therefore,

Preamble.

Authorized to
convey certain
lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Krouse and William Krouse, administrators of the said Jacob Krouse, deceased, be, and they are hereby authorized, and empowered to execute and deliver to the said Michael Frackenthall, a deed for the said lot of land and premises, pursuant to said agreement between him and said deceased, which deed shall have the same force and effect, as a deed from the said Jacob Krouse, in his life time, would have had.

Passed January 16, 1834.

AN ACT to dissolve the marriage contract between William Lowrey and Sarah his wife.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between William Lowrey of the county of Cumberland, and Sarah his wife, be, and the same is hereby declared to be dissolved : *provided always,* that nothing in this act contained, shall render illegitimate the issue of such marriage.

Passed January 20, 1834.

A SUPPLEMENT to an act entitled " An act to incorporate the Delaware and Jobstown Rail or McAdamised Road Company," passed February eleventh, eighteen hundred and thirty-three.

Authorized to
extend the road
to Atlantic
shore.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the " Delaware and Jobstown Rail or McAdamised Road Company, incorporated by an act passed eleventh February, eighteen hundred and thirty-three," to continue and extend the said Rail or McAdamised road from the vicinity of New Lisbon, in the county

of Burlington, by the most convenient and eligible route, to some point on the shore of the Atlantic ocean, between Tuckerton and Barnegat, and for that purpose, the said company shall have the same powers, privileges, and immunities as are granted by the act to which this is a supplement, and be subject to the same regulations, restrictions, and limitations, as are therein specified.

Sec. 2. *And be it enacted*, That in order to enable the said company to extend the said road as is above mentioned, it shall and may be lawful for the company to increase their capital stock to the sum of two hundred thousand dollars above the capital specified in the act to which this is a supplement.

Capital stock increased.

Sec. 3. *And be it enacted*, That John Chambers, James Newbold, Joseph Smith, Thomas Haines, and Watson Newbold, shall be, and they hereby are appointed commissioners to open books of subscription for the said stock, in like manner, and upon the same terms as are prescribed in the said act.

Commissioners to receive subscriptions for stock.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said company to commence the said road when one hundred thousand dollars of the said additional stock shall have been subscribed; and if the said road shall not be completed within ten years from the passage of this act, all the powers and privileges hereby granted, shall cease and become void.

When the road may be commenced.

Sec. 5. *And be it enacted*, That the said company shall hereafter be known by the name, style, and title of the Delaware and Atlantic Rail Road Company.

Passed January 20, 1834.

AN ACT for the enclosure of a certain tract of Woodland, in the township of Harrington in the county of Bergen.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of woodland, situate, lying and being in the township of Harrington, in the county of Bergen aforesaid, being butted and bounded as follows, viz: on the south by the cleared land of John C. Westervelt and the cleared land of Isaac Bogart; on the north by the cleared land and fenced woodland of Henry P. Westervelt and the

Boundaries of land enclosed.

None but owners to turn in horses, cattle, &c.

Proviso.

cleared land of Adranah Haring and cleared land of John C. Westervelt; east by the public road leading from near the dwelling-house of John I. Haring, to near and along the dwelling-house of Daniel Van Horn, and by cleared land of John I. Haring, and cleared land of John C. Westervelt; and west by cleared land of Isaac Bogart, lands of Nicholas B. Zabriskie, cleared land of Peter I. Zabriskie, and cleared and fenced woodland of Henry P. Westervelt, to fence the same in common, and to erect and maintain such swing gates as they may deem proper; and that from and after the enclosing the same as aforesaid, no person or persons, whatsoever, shall drive or let in any horses, cattle, sheep or hogs, with intent to let them run at large in said tract: *provided always*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning his horses, cattle or sheep, on such part of the said tract as may belong to him or her, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of the said tract.

Penalty for letting in horses, &c. or injuring fence.

For leaving open bars or gates.

Sec. 2. *And be it enacted*, That if any person whatsoever, shall drive or let in any horses, cattle or sheep, into the said tract, after the same shall be enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing gates thereon, they shall be liable to a penalty of ten dollars; and if any person or persons, shall leave open any bars or swing gates thereon, either negligently or wilfully, he shall be liable to a penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the trustees hereinafter mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt, and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the fences and swing gates around the said tract.

Horses, cattle, &c. trespassing may be impounded.

Sec. 3. *And be it enacted*, That if any horses, cattle, sheep or hogs, be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound in the township of Harrington, leaving with the keeper of such pound, an affidavit that such horses, cattle or sheep, were found running at large in said tract; and it shall be the duty of such pound keeper to receive and keep the horses, cattle and sheep, so delivered to him, until the owner thereof shall pay to him the cost and fees of impounding the same, together with damages, if any incurred; and such pound keeper shall collect and receive the same in the same manner, and shall be entitled to the same fees and be subject to the same penalties, and shall, in all matters, proceed as is directed by an act entitled, "An act regulating fences," pass-

ed January the twenty-third, seventeen hundred and ninety-nine.

Sec. 4. *And be it enacted*, That a majority of the owners of said tract, shall meet on the first Tuesday of April next, at the house of John C. Westervelt, at Pascack, in the township of Harrington, and on the first Tuesday in each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose from among themselves, three persons to be trustees of said lands, who shall hold their office for one year, or until their successors shall be appointed.

Trustees to be appointed.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of the fence to be erected around the said tract, and shall assign by marks and measurement to each of the owners of said tract, a part of said fence to make and maintain in proportion to the number of acres owned by him or her therein, and if after such assignment, and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses from the person or persons so refusing, and their legal representative, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees to cause a lawful fence at all times, to be kept up and maintained around the above said tract.

Trustees to assign fence to be built by each owner.

Sec. 6. *And be it enacted*, That each trustee shall be entitled to receive seventy-five cents per day, for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to their interest therein, and shall be assessed by the said trustees, according to the number of acres held by each owner of said tract, and shall make out a duplicate list of the amount assessed upon the property of each individual, who upon refusal or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution before any court, having competent jurisdiction of the same, in an action of debt with costs of suit.

Compensation of trustees.

How to be paid.

Passed January 21, 1834.

AN ACT to divorce Eliza Ballard from her husband John P. Ballard.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Eliza Ballard, of Morristown, Morris county, be, and she is hereby divorced from her husband John P. Ballard, and that the marriage contract heretofore existing between the said Eliza Ballard and John P. Ballard, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.*

Passed January 21, 1834.

AN ACT to divorce John L. Hudson from his wife Phebe Hudson.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That John L. Hudson, be, and he is hereby divorced from his wife Phebe Hudson, and that the marriage contract heretofore existing between the said John L. Hudson and Phebe his wife, be, and the same is hereby dissolved ; provided nevertheless, that the issue of such marriage shall not be deemed illegitimate in consequence of this act.*

Passed January 21, 1834.

AN ACT to incorporate "The Washington Beneficial Society of Salem, New-Jersey."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Samuel Copner, Howell Carter, James E. Dunham, John McDonnol, Jacob Paulin, Joel C. Emley, John Williams, Joseph Dorrel, David Hafter, Samuel Kean, Jede-*

diah A. Baker, John Kirkpatrick, James T. Waddington, Isaac Z. Peterson, George Morrison, Samuel A. Harris, and all such other persons as now are or hereafter shall become associates of "The Washington Beneficial Society of Salem, New-Jersey," shall be, and they are hereby constituted and declared to be, a body politic and corporate, in fact and in law, by the name of "The Washington Beneficial Society of Salem, New-Jersey."

Sec. 2. *And be it enacted*, That the said corporation by such name shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity, and may have a common seal and have power to alter the same at their pleasure, and by their common seal enter into and execute contracts and agreements; and such corporation shall have full power to make and adopt such laws and regulations as they may think proper, not inconsistent with the laws of the United States or of this state. Powers.

Sec. 3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of one thousand dollars, which shall be applied to the nursing and attendance of members while sick, the purchase of necessaries for sick members, the payment of physician's and surgeon's bills, the funeral expenses of deceased members, and such other incidental expenses as may be needful to further the objects of the said society. Capital stock, and how to be applied.

Sec. 4. *And be it enacted*. That the said corporation shall have power to elect, annually, or oftner if necessary, out of their own body, a president and such other officers and assistants, as shall be necessary for the proper management of the affairs of said corporation, according to their laws; and the president shall keep in his custody, the common seal of the corporation and deliver it over at the end of his term of office to his successor. Officers to be elected.

Sec. 5. *And be it enacted*, That the constitution and by-laws of the said corporation shall be binding and imperative on the different members, and may be enforced by suit against defaulting members in the corporate name of said company, before any court having competent jurisdiction: *provided*, that in all suits between the said corporation and a member or members thereof, any of the said members may be witnesses for either party. Constitution and by-laws may be enforced by suit.

Sec. 6. *And be it enacted*, That the legislature may at any time hereafter alter, amend, modify or repeal this act, as they may think proper. Act may be altered or repealed.

Passed January 21, 1834.

AN ACT to divorce Isaac Vanderhoven from his wife Sarah Vanderhoven.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Isaac Vanderhoven, of the county of Hunterdon, be, and he is hereby divorced from his wife Sarah Vanderhoven, and that the marriage contract heretofore existing between the said Isaac Vanderhoven and Sarah his wife, be, and the same is hereby absolutely and entirely dissolved, to all intents and purposes, as fully as if they had never been joined in matrimony.*

Passed January 22, 1834.

AN ACT to divorce William S. Young from his wife Sarah Young.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That William S. Young, of the county of Salem, be, and he is hereby divorced from his wife Sarah Young, and that the marriage contract heretofore existing between them, the said William S. Young and Sarah his wife, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.*

Passed January 22, 1834.

AN ACT to divorce Harriet Conklin from her husband Eli Conklin.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Harriet Conklin, of the county of Middlesex, be, and she is hereby divorced from her husband Eli Conklin, and that the marriage contract heretofore existing between them, the said Harriet Conklin and Eli Conklin her husband, be,*

and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed January 22, 1834.

AN ACT to authorize a re-conveyance of certain real estate to George Fisler.

WHEREAS, it appears to the legislature, that John Rambo, deceased, late of the county of Gloucester, did, on the twenty-third day of April, A. D. eighteen hundred and thirty, under his hand and seal, duly execute a declaration of trust, in which it is recited and declared as follows, to wit—“Whereas, I have this day received a deed from Jesse Smith, Esq. sheriff of the county of Gloucester, for a certain plantation or tract of land, situate in the township of Woolwich, in the said county, containing two hundred and seventy-five acres, more or less, by metes and bounds, together with ten acres of woodland, in said township, sold by said sheriff as the property of George Fisler, by virtue of an execution issued out of the Inferior Court of Common Pleas of the said county, returnable to the term of March, in this present year, in favor of Joseph Lock and Ruth his wife, late Ruth Fisler, against the said George Fisler: **AND WHEREAS**, the said George is a minor under the age of twenty-one years, and I am the guardian of the said George, and was, and am desirous to preserve the said plantation and farm for the benefit of the said George: **AND WHEREAS**, I have no funds of the said minor in my hands, as guardian as aforesaid, to pay to the said sheriff for the purchase money of the said farm, but have contracted for the same to be secured by mortgage, to be given by me immediately after the execution of the deed to me by the said sheriff: **AND WHEREAS**, Mary Fisler, widow of Jacob Fisler, is entitled to her dower in said premises; and it is intended that her dower shall in no wise be affected by the said sale of said premises so made by the said sheriff to me as aforesaid; now this writing witnesseth, that I, the said John Rambo, grantee and purchaser, as aforesaid, do make the following declaration in trust, &c.—1. That if the said George Fisler should arrive to full age, or if dying before full age, shall leave lawful issue, I will reconvey to the said George Fisler, or his issue, as the case may be, the aforesaid plantation or farm, upon the repayment to me of the full principal

and interest of the said purchase money, or the entire and full discharge of the said mortgage, and upon the full payment of the balance, if any there be, due to me or my representatives upon the settlement of my accounts in the Orphans' Court of said county, as guardian of the said George Fisler.—2. And provided further, that the dower of the said Mary Fisler, widow of the said Jacob Fisler, be allowed to the full extent, as if the said premises had never been sold by the said sheriff.”—AND WHEREAS, it further appears, that since the said sale and conveyance, and since the declaration of trust as aforesaid, the said John Rambo hath departed this life intestate, leaving children his heirs at law, to wit: Peter C. Rambo, Louisa Rambo, Champneys Rambo, William Rambo, Patience Rambo, John Rambo, Jacob Rambo, Lydia Rambo, Mary Rambo and Harriet Rambo, whereby the legal estate in the said premises has become vested in the heirs at law aforesaid of the said John Rambo, subject nevertheless to the trusts aforesaid; AND WHEREAS, William Rambo, Patience Rambo, John Rambo, Jacob Rambo, Mary Rambo, and Harriet Rambo, certain of the children and heirs at law aforesaid are minors, and to whom one Joseph Fithian, of the said county, hath been duly appointed guardian, by the Orphans' Court of the said county; AND WHEREAS, letters of administration of the estate of the said John Rambo have been granted to Joseph Saunders and Peter C. Rambo; AND WHEREAS, the said George Fisler will shortly arrive to the age of twenty-one years, and it is expedient that the said premises should be reconveyed to the said George, upon the performance of the conditions aforesaid: BUT WHEREAS, the same cannot be so reconveyed without the aid of the legislature, by reason of the minority aforesaid of certain of the same heirs—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That so soon as the said George Fisler shall arrive at the age of twenty-one years, upon payment to the legal representatives of the said John Rambo, deceased, the full amount of principal and interest of the said purchase money, or the full and entire discharge of the said mortgage, and upon the full payment to the representatives aforesaid of the balance, if any there be due, to the estate of the said John Rambo, deceased, on the settlement of his accounts in the Orphans' Court of the said county, as guardian of the said George Fisler, that then it shall be lawful for the said Joseph Fithian, guardian aforesaid of the said minor heirs, in the name of the said minor heirs, together with such of the heirs aforesaid as have arrived to the age of twenty-one years, to execute a deed of conveyance of the said plantation and lot of woodland

Authorized to
convey certain
lands.

to the said George Fisler, and to execute and deliver the same in due form of law; which deed of conveyance, so made, executed, and delivered, shall vest in the said George Fisler the legal estate in the said premises, as fully and entirely as the same is now vested in the heirs of the said John Rambo, deceased, and fully and entirely discharged of the trusts aforesaid: *Provided nevertheless*, that the right of dower of any person in, to, or out of the said premises shall not be affected by the provisions of this act, any thing herein contained to the contrary in any wise notwithstanding.

Passed January 23, 1834.

AN ACT to divorce Jacob Chamberlin from his wife Mary C. Chamberlin.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Jacob Chamberlain, of the county of Morris, be, and he is hereby divorced from his wife Mary C. Chamberlain, and that the marriage contract heretofore existing between them, the said Jacob Chamberlain, and Mary C. Chamberlain, his wife, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.*

Passed January 30, 1834.

A SUPPLEMENT to an act entitled "An act to appoint trustees to sell certain lands therein named," passed the twenty-third of January, eighteen hundred and thirty-three.

WHEREAS, by the act to which this is a supplement, Joshua D. A. Beardslee and James Perry, were appointed trustees, to sell and convey the lands and premises of Gatty Beardslee, in the county of Sussex, and to perform certain trusts, in the said act mentioned: **AND WHEREAS**, it is now represented to the legislature, that the said Joshua D. A. Beards-

Preamble.

lee, since the passing of the said act and before the performance of the said trusts, departed from this state ; and that his residence is unknown to the said James Perry, his co-trustee, so that no sale or conveyance of the said lands and premises, can be made and executed under the said act—Therefore,

Trustee authorized to sell and convey lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said James Perry, be, and he is hereby authorized and empowered to make sale and conveyance of the said lands and premises of the said Gatty Beardslee, and to execute and deliver the deed or deeds for the same ; and to perform all the duties enjoined and trusts reposed by the said act in the said Joshua D. A. Beardslee and James Perry, as fully, and entirely and with the same effect, as if the said Joshua D. A. Beardslee were present and acting therein ; and that the said deed or deeds of the said James Perry, shall vest in the purchaser or purchasers, his or their heirs or assigns forever, all the estate, right, title and interest whatsoever, of the said Gatty Beardslee, of, in and to the said lands and premises, with the appurtenances and every part thereof—*Provided*, that nothing in this act shall be taken or construed as intending to dispense with the bond required by the second section of the act to which this is a supplement.

Passed January 30, 1834.

AN ACT to authorize William L. Conover, to sell certain real estate.

Preamble.

WHEREAS, it is represented to this legislature, that Samuel Brearley, jun., Maria C. Brearley, Eliza S. Conover, William L. Conover, Henrietta H. Conover, Catharine Conover, Laurana Conover, Phebe Conover, Sarah Ann Conover, are the owners of four several lots or tracts of land, situate in the county of Middlesex and state of New-Jersey, which were conveyed to them by their father, Elias Conover and Sarah his wife, by deed, dated the twenty-third day of March, in the year of our Lord, eighteen hundred and thirty ; that the said lots or tracts of land, or part thereof, is encumbered by a mortgage, which they have no other means of paying than the said land, and that it would be greatly for the interests of them, that the same should be sold ; that in consequence of the minority of some of the

petitioners the said real estate cannot be sold by them; that the interests of all parties would be greatly advanced by a sale of the said real estate, and praying for a law appointing William L. Conover trustee to sell the same—
Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That William L. Conover be, and he is hereby appointed trustee, with full power to sell, dispose of and convey, all that certain lot or parcel of land, situate, lying and being in the township of North Brunswick, county of Middlesex and state aforesaid, beginning at a stake planted in the line of Peter Voorhees's land, at the point of woods; thence running south forty-six degrees and thirty minutes, west eight chains to another stake; thence south forty-eight degrees and thirty minutes, east twelve chains and fifty-eight links to the line of Peter Voorhees; thence along the line of said Voorhees, north fourteen degrees and thirty minutes, west fourteen chains and twenty-eight links to the place of beginning, containing five acres, strict measure, bounded northeast by Peter Voorhees, and the other two sides by Denice Vanderbelt, together with a right of way to and from said lot, with a wagon or any other carriage; also, all that certain other lot, situate, lying and being in the township, county and state aforesaid, beginning at the southwest corner of a lot of land belonging to Staats Van Deursen; thence running along his line north forty degrees, east eighteen chains and seventy-five links to the line of Peter Voorhees; thence along his line south forty-one degrees and twenty minutes, east seven chains and ninety-three links; thence south forty-one degrees, west seventeen chains and seventy links; thence north forty-eight degrees and twenty minutes, west seven chains and sixty links to the place of beginning, containing fourteen acres and seventy-two hundredths of an acre, together with a right of a passage to and from said lot, with a wagon or other carriage, (which said above mentioned lots of land were conveyed to Peter Staats, by Denice Vanderbelt and wife, by deed, dated May 2d, 1817, recorded in Middlesex, Clerk's Office, in Book D. XII of Deeds; and by the said Peter Staats and wife to the said Elias Conover, by deed dated April the 28th, 1828, recorded in Middlesex, Clerk's Office, in Book XXI of Deeds, fol. 22, 23;) also, all that lot of land, with the buildings thereon, lying in the city of New Brunswick, county and state aforesaid, beginning at the intersection of Neilson (formerly Queen) street and Schureman street, on the west side of Neilson and north side of Schureman street; thence running north eighty-eight degrees, west two hundred and eleven feet six inches to Hugh Bell's lot; thence north one degree, east along said

Trustee authorized to sell and convey certain lands.

Bell's line one hundred and thirty-four feet ten inches to the Grave Yard; thence north fifty-six degrees, east forty-one feet; thence south twenty-six degrees, east along Doctor Vanderveer's line one hundred and twenty-seven feet to Neilson street aforesaid; thence south five degrees, east along said street sixty-two feet to the place of beginning, the above courses and distances as per survey made June 9th, 1811, (which said lot of land was conveyed to the said Elias Conover, by the executors of Robert Eastburn, deceased, by deed dated December 17th, 1825, and recorded in Middlesex, Clerk's Office, in Book D. XVIII of Deeds, folios 175, 176;) also, all that other lot of land adjoining the last described lot, which was devised to Sarah Conover by her father Lawrence Vanderveer, deceased, and on which the dwelling house partly stands, thirty-four feet front on Neilson street aforesaid, more or less, with the appurtenances thereto belonging, as soon as conveniently may be, for the highest sum the same will bring; and when sold, to make, execute and deliver in his own name, as trustee as aforesaid, a good and sufficient deed or deeds of conveyance for the same; which sale or sales so made, shall entitle the purchaser or purchasers, to all the estate, right, title, interest, property, claim and demand of Samuel Brearley, jr., and Maria his wife, (late Maria C. Conover,) Eliza S. Conover, William L. Conover, Henrietta H. Conover, Catharine Conover, Laurana Conover, Phebe Conover and Sarah Ann Conover.

Trustee to exhibit accounts to Surrogate.

Sec. 2. *And be it enacted*, That the said trustee shall keep a fair account of the sales made by him, under this act, and exhibit under oath or affirmation, such account to the Orphans' Court of the county of Middlesex, to be filed and recorded by the Surrogate of said county, and after paying off and satisfying all legal incumbrances on said premises, and after deducting all legal costs and damages, and commissions to be allowed by the said court, to account to the said Samuel Brearley, jr., and Maria his wife, (late Maria C. Conover) Eliza S. Conover, William L. Conover, Henrietta H. Conover, Catharine Conover, Lauranna Conover, Phebe Conover and Sarah Ann Conover, as they respectively arrive at age, for their respective rights, shares and interests therein.

Trustee to give bond.

Sec. 3. *And be it enacted*, That before the said William L. Conover engages in the trust assigned him by this act, he shall enter into bond to the Governor of this state, in such sum, and with such security, as the Judges of the Orphans' Court of the county of Middlesex, shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the Surrogate's office of the said county.

Passed February 4, 1834.

AN ACT to authorize the conveyance of certain lands therein mentioned.

WHEREAS, Richard Lloyd, formerly sheriff of the county of Monmouth, by his deputy, Joseph Brinley, by virtue of sundry executions in his hands, to wit: one in favor of Henry Remsen v. John Allen, and one in favor of Jacob Croxson and Samuel F. Allen v. John Allen, Stephen Allen and Lewis Allen, issued out of the Court of Common Pleas of said county, did expose to sale, agreeably to law, one certain lot of land, in the township of Howell, in said county, belonging to the aforesaid John Allen, to satisfy said executions, and William W. Croxson being the highest bidder for the same, the said Joseph Brinley, deputy sheriff, as aforesaid, did strike off said lot of land to the aforesaid William W. Croxson; **AND WHEREAS**, before the delivery of the deed of conveyance of the aforesaid lot of land, the said Richard Lloyd died, by reason whereof, no deed of conveyance can be made, and he is therefore deprived of the use and benefit of the same, although full satisfaction of the purchase money has been made—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the commissioners appointed by an act concerning the sureties of Richard Lloyd, late sheriff of the county of Monmouth, passed December ninth, eighteen hundred and twenty-five, or their legal agent, are hereby authorized and empowered to make, execute and deliver unto the said William W. Croxson, a deed of conveyance for the aforesaid lot of land, sold as above mentioned in the preamble to this act, vesting in him as good a title and estate therein as if the said deed had been executed and delivered by the said Richard Lloyd, sheriff as aforesaid; the said William W. Croxson, first producing to said commissioners or agent, good and sufficient receipts and vouchers for the payment of the purchase money thereof.

Commissioners appointed to convey certain lands, &c.

Passed February 5, 1834.

AN ACT to divorce Jane Baxter from her husband Hiram H. Baxter.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Jane Baxter of the county of Essex, he, and she

is hereby divorced from her husband, Hiram H. Baxter, and that the marriage contract heretofore existing between them, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 5, 1834.

AN ACT to authorize the administrator of John Johnson, deceased, to execute a deed of conveyance for certain real estate, in the county of Sussex.

Preamble.

WHEREAS, it appearing to the legislature, that John Johnson, deceased, late of the township of Newton, in the county of Sussex, and state aforesaid, who died intestate, did in his life time, give under his hand and seal, a certain certificate dated May twenty-fourth, A. D. eighteen hundred and fifteen, wherein he acknowledges that Peter B. Shafer was concerned with himself in the purchase of a certain tract of land from William Armstrong and Richard Edsall, commissioners of forfeited estates in and for the county of Sussex, his deed from them, bearing date the same day, situate in the township of Hardwick, containing about eight hundred and eighty-four acres, and that the said Peter B. Shafer did pay one fourth part of the purchase money, and he, the said John Johnson, held in trust for him one equal fourth part of the aforesaid tract to which he was entitled, and that Nathan A. Shafer hath since become, by purchase from Peter B. Shafer, interested jointly with him, and equally of the one equal fourth part as aforesaid, of said land; and that the said John Johnson died without making a deed of conveyance for the same, leaving heirs at law, some of which are incompetent by reason of their minority, to convey the same; **AND WHEREAS**, the administrator, Whitfield S. Johnson, hath requested that he be empowered to make a deed to the said Peter B. Shafer and Nathan A. Shafer, for the equal fourth part of the land aforesaid—
Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Whitfield S. Johnson, administrator of the said John Johnson, deceased, be, and he is hereby authorized and empowered to execute and deliver to the said Peter B. Shafer

Administrator
authorized to
convey certain
lands.

and Nathan A. Shafer, a deed in fee simple, for the equal undivided fourth part of the said tract of land and premises, pursuant to said certificate of said deceased, which deed shall have the same force and effect, as a deed from the said John Johnson, in his life time would have had.

Passed February 6, 1834.

AN ACT to authorize a trustee to sell certain real estate, whereof William Cool, died seized.

WHEREAS, William Cool, late of the township of Montgomery, in the county of Somerset and state of New-Jersey, on the ninth day of June, one thousand eight hundred and twenty-five, departed this life intestate, leaving a widow and five orphan children, to wit: Elizabeth Cool, his widow, Jared L. Cool, Jonathan Cool, Caleb S. Cool, Isaac Cool and Eleanor Cool, of whom two, Jared L. Cool and Jonathan Cool, have arrived at full age, and the other three are still minors, under the care of their mother, Elizabeth Cool; **AND WHEREAS**, the said William Cool, was, at the time of his death, seized in fee simple, of a certain house and lot of ground, situate in the borough of Princeton, in the county aforesaid, and the heirs of the said William Cool, having petitioned the Legislature, that a trustee might be appointed to sell the same for their benefit, and the prayer of the memorialists appearing to be reasonable and proper—Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That William Marshall, be, and he is hereby appointed a trustee, with full power and authority, to sell and convey the said house and lot, and all the real estate belonging to the heirs of the said William Cool, of which he was in possession of at the time of his death, for the highest sum or sums of money the same will bring, and to execute, make and deliver a good conveyance or conveyances in law to the purchaser or purchasers of the same, and such deed or deeds of conveyance, shall vest in the purchaser or purchasers, his or their heirs and assigns forever, all the estate, right, title and interest, which the said William Cool, deceased, had of, in and to the said premises with the appurtenances, at the time of his death.

Trustee authorized to sell lands, &c.

To give bond.

Sec. 2. *And be it enacted,* That before the said William Marshall shall enter upon the trust reposed in him by this act, he shall enter into bond to the Governor of this state, with such surety and in such sum as shall be approved by the judges of the Orphans' Court, of the county of Somerset, conditioned for the faithful performance of the trust reposed in him by this act, which bond shall be deposited in the office of the secretary of this state. .

To exhibit accounts to surrogate.

Sec. 3. *And be it enacted,* That the said William Marshall, within one year after the sale of said real estate shall be completed, shall exhibit under oath to the surrogate of the said county of Somerset, an exact statement of the amount of sales and the amount he has received for the same, to be by him recorded and filed in his office.

To distribute surplus moneys.

Sec. 4. *And be it enacted,* That the said William Marshall, shall be accountable for all money so received by him, and after paying off all legal claims and liens upon said estate, together with such reasonable charges for his services, as shall be allowed by the Orphans' Court of the county of Somerset, shall distribute the surplus moneys among the said heirs according to law, and the receipt or discharge of the said heirs or their proper guardians, shall be his sufficient vouchers to settle up the said estate in the Orphans' Court aforesaid.

Passed February 6, 1834.

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AN ACT to divorce James H. Collins from his wife Eliza Collins,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That James H. Collins, of the county of Gloucester, be, and he is hereby divorced from his wife Eliza Collins, and that the marriage contract heretofore existing between them, the said James H. Collins, and his wife, Eliza Collins, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 6, 1834.

AN ACT constituting an independent battalion in the township of Bergen, in the county of Bergen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That an independent uniform battalion be, and the same is hereby formed in the township of Bergen, in the county of Bergen, to be composed of the uniform companies commanded by captains Joseph C. Van Buskirk, John G. Spier, Isaac Seaman, Matthew Conover, of the first regiment, Bergen brigade, and such other uniform companies or troop of horse within the bounds of the said regiment, as may elect to join the said battalion, and which the battalion court of appeals, as hereinafter constituted, may choose to receive into the said battalion, unless such other uniformed companies or troop be prohibited by the brigade board of officers of the Bergen brigade, from being attached to or joining said battalion.

Independent uniform battalion in the township of Bergen, constituted.

Sec. 2. *And be it enacted,* That the said battalion shall meet for exercise, by companies, upon the third Monday in April for company training; by battalion on the third Monday in May; and by battalion for exercise and inspection, on the Friday immediately following the first Monday in June, and once by battalion on such day as the commandant of the battalion shall appoint; and that a written notice thereof, signed by the commandant of the battalion, and posted up in three of the most public places in the township, for ten days previous to such parade, shall be deemed legal notice thereof.

Time of meeting for training.

Sec. 3. *And be it enacted,* That the battalion court of appeals shall consist of the commandant of the battalion and the captains; and that the moneys annually collected from fines imposed on delinquents in the said battalion, shall be appropriated to the uses and purposes of the said battalion, under the direction of the said battalion court of appeals, with whom the paymaster shall annually settle his accounts; and the president shall annually make a specific report to the adjutant general of this state, of the manner and purposes for which the said moneys shall be disbursed.

Battalion court of appeals.

Appropriation of fines.

Sec. 4. *And be it enacted,* That the said battalion shall be entitled to all the privileges, and subject to all the penalties, an independent battalion may by the militia law of this state be subjected to.

Privileges and penalties.

Passed February 7, 1834.

AN ACT to authorize Elias Ely and Lewis S. Coryell, administrators of the estate of William Biles, deceased, to fulfil a certain verbal contract made by said deceased, with the Delaware and Raritan Canal Company.

Preamble.

WHEREAS, William Biles, late of the township of Amwell, in the county of Hunterdon, in his life time, bargained and sold unto the said Delaware and Raritan Canal Company, all that certain messuage, piece or parcel of land, situated in the said township and county aforesaid, being bounded and described as follows: beginning at a mark on the foundation wall of William Garrison's barn, seven links northerly from the northerly side of the old ferry road at the northeast corner of the tract of land aforesaid, and running thence by lands of said William Garrison and of Dr. John Wilson, south twelve degrees, east four chains and thirty-two links, thence still by lands of Dr. John Wilson, south seventy-eight degrees, west two chains and fifty-eight links across the Feeder of the Delaware and Raritan Canal to the bottom of the outer slope of the towing-path bank thereof, thence up the same by land of William Biles, north twelve and three-quarters degrees, west two chains and twenty-three links, thence by the same, north ten degrees, east fifty-five links, thence by the same, north ten and a quarter degrees, west one chain and fifty-two links, (passing the easterly side of a shed or addition to a house, on the southerly side of the old ferry road aforesaid) across the old ferry road aforesaid to the northerly side thereof, thence along the northerly side of said road by land of James Seabrook, north seventy-eight degrees, east thirty-nine links, to the southeast corner of said Seabrook's land, thence still by the same, north twelve degrees, west seven links, thence by the lands of the said the Delaware and Raritan Canal Company, (late of Mahlon Briggs and of Samuel Blodget) and of William Garrison aforesaid, north seventy-eight degrees, east one chain and ninety-six links to the beginning; containing one acre and eight hundredths of an acre of land: and the said Delaware and Raritan Canal Company were put into the possession thereof, and still occupies the same under said agreement; and the said William Biles, departed this life before any deed was executed for said lands and premises.

Administrators
authorized to
convey certain
lands to Dela-
ware and Rari-
tan Canal Com-
pany.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That Elias Ely and Lewis S. Coryell, administrators of the estate of the said William Biles, late of the township of Amwell, in the county of Hunterdon, deceased, who died intestate, are hereby authorized and empowered to execute and

deliver to the said Delaware and Raritan Canal Company, upon the receipt from them of the consideration agreed upon, a deed for said land and premises, pursuant to said contract, between them and said deceased, which deed shall have the same force and effect as a deed from the said William Biles, in his life time, would have had.

Sec. 2. *And be it enacted*, That all such sum or sums of money, as the said administrators, or either of them, shall or ought by virtue of this act to receive, shall be assets in their hands, the same as goods, chattels, moneys, or other personal property which may come to their hands as such administrators as aforesaid, and shall in the same manner as other personal assets of the said deceased, be appropriated and paid, distributed and accounted for. Distribution of proceeds of sale.

Passed February 7, 1834.

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AN ACT to divorce Ami Lewis from his wife Evelina Lewis.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Ami Lewis, of the county of Sussex, be, and he is hereby divorced from his wife Evelina Lewis, and that the marriage contract heretofore existing between the said Ami Lewis and Evelina Lewis, be, and the same is hereby forever dissolved, as if they had never been joined in matrimony.

Passed February 8, 1834.

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AN ACT to incorporate the Morris Canal Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Samuel Swartwout, John V. B. Varick, Samuel R. Brooks, Charles T. Shipman, James B. Murray, Sa-

Style of incorporation.

Powers.

Proviso.

muel C. Jaques, Henry Yates, Billopp B. Seaman, Robert Gilchrist, Samuel Cassedy, John M. Cornelison, Peter M. Ryerson, and their associates, shall be a company of stockholders, for the purpose of purchasing and selling coal, and of transporting persons or passengers, and all manner of things, through or upon the Morris Canal; that the said company shall be, and hereby is incorporated by the name of "The Morris Canal Transportation Company," and so shall remain for the term of twenty years: that during the said term the said company shall have succession, and be capable of suing and being sued, defend and be defended, and shall have a common seal, and may alter the same, and shall have power to make by-laws, not repugnant to the constitution and laws of this state, or of the United States, and from time to time appoint and employ all such officers, agents, clerks, navigators, workmen and servants, as the directors of the said company may think necessary for conducting the business of the said company; that the said corporation shall be capable of purchasing, holding, selling and conveying any real estate, or personal property, *Provided*, that the real estate so purchased and held, shall not exceed in value twenty thousand dollars, and shall be requisite to the end and intent of the corporation hereby created; *And further*, that the said company shall not be permitted to erect on the real estate so purchased, any kind of water works or machinery, so as to require any of the waters of said canal, and shall not use any of the waters of said canal, for any purpose whatever, except navigation.

Amount of capital stock.

Capital may be increased.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall not in the first instance, exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; but if the board of directors shall, at any time during the existence of this charter, deem it expedient, it shall be lawful for them to increase the capital stock of the company to two hundred thousand dollars, by creating one thousand additional shares, of one hundred dollars each; and the existing stockholders shall have the privilege of taking such additional shares, and in default of their taking the whole of the said shares, it shall be the duty of the board of directors to open books of subscription at the office of the said company, for the whole, or the remaining part of the same, giving not less than three weeks previous notice, in at least two newspapers circulating in this state, of the time and place of opening such books, and the books shall be kept open until the said one thousand shares shall be fully subscribed.

Directors to be chosen.

Sec. 3. *And be it enacted*, That the stock, property and concerns of the said company, shall be managed by seven directors, who shall be stockholders, and that the seven persons herein first above named, shall be the first directors,

and so shall continue until the first Monday of April next, and until others shall be chosen in their stead, according to the provisions of this act; that the said directors herein before named and appointed, shall direct the manner in which subscriptions to the original capital stock of the said company shall be received; that the directors of the said company shall be annually elected by the stockholders, by ballot (each share being entitled to one vote,) on the first Monday of April in each year, and the first election shall be on the first Monday of April next, and the seven persons having the greatest number of votes at such election, shall be directors for the then ensuing year, and until others shall be chosen in their place; *Provided*, That the directors for the time being, shall annually, previously to the day of election, cause three weeks notice to be published in not less than two newspapers circulating in this state, of the time and place of holding such election; that if any vacancy shall happen among the directors in the course of any year, the same may be filled until the next annual election, by the remaining directors, or a majority of them.

Time of election.

Vacancies supplied.

Sec. 4. *And be it enacted*, That nothing herein contained, shall be taken or construed in any wise to alter, change or abridge the charter, or the rights and privileges of the Morris Canal and Banking Company, or to authorize the company hereby created, their officers, agents, navigators or servants, to navigate the said canal, otherwise than conformably to the rules and regulations established, or which hereafter may be established, by the said Morris Canal and Banking Company.

Sec. 5. *And be it enacted*, That no part of the capital stock or moneys of the corporation, shall be used or employed by said company for banking or other purposes not clearly indicated in this act, under the penalty of forfeiting this charter.

Capital not to be employed in banking.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to modify or repeal this act, whenever in their opinion the public good requires it.

Passed February 8, 1834.

AN ACT entitled an act to incorporate the "Lodi Mining Company," in the county of Bergen.

Style of incorporation.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel Rathbone, William B. Johnson, William Harwood, Charles T. Shipman and Pruden Alling, and all other persons who now are or hereafter shall become associated with them as stockholders, be, and they hereby are with their successors and assigns, made, constituted and established, a body politic and corporate, by the name of the "Lodi Mining Company in New-Jersey" for the purpose of mining for, smelting, manufacturing, and rendering ore, minerals, earths and metallic substances of every description, in the most advantageous manner; and by that name, they and their assigns and successors shall be, and hereby, are, authorized and empowered to purchase, take, hold, occupy and enjoy to them and their successors, any goods, chattels and effects, of whatever kind they may be, also, to purchase, take, hold, occupy, possess and enjoy any such lands, tenements or hereditaments, in the counties of Bergen and Essex, as shall be necessary for the views and purposes of said corporation, not exceeding in the whole, two thousand acres, unless the same be taken in payment of, or as security for debts due the corporation; and the same to sell and dispose of at pleasure; or to take a lease or leases thereof for a term of years; also, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of record or elsewhere; and said corporation may have and use a common seal, and may alter the same at their pleasure.

Amount of capital stock.

Sec. 2. *And be it enacted,* That the capital stock of said corporation, shall not exceed the sum of one hundred and thirty thousand dollars; and that a share of said stock shall be one hundred dollars, and shall be deemed and considered personal estate, and be transferable only on the books of said company, in such form as the directors of said company shall prescribe; and said company shall at all times have a lien upon all the stock or property of the members of said corporation, invested therein for all debts due from them and each of them, to said company.

Directors to be chosen.

Sec. 3. *And be it enacted,* That the stock, property and affairs of the corporation, shall be managed by not less than three nor more than seven directors; one of whom they shall appoint their president; who shall hold their offices for one year; which directors shall be stockholders and citizens of the United States, and shall be annually elected, at such time and place as the regulations of said corporation shall pre-

scribe; a majority of the directors shall, on all occasions, constitute a board for the transaction of business; and a majority of the stockholders present at any legal meeting, shall be capable of transacting the business of such meeting, each share entitling the owner thereof to one vote; and Samuel Rathbone, William B. Johnson, William Harwood, Charles T. Shipman and Pruden Alling, shall be the first directors of said corporation.

Sec. 4. *And be it enacted*, That the said president and directors, for the time being, or a major part of them, shall have power to fill any vacancy which may happen in their board, by death, resignation or otherwise, for the then current year, and to appoint and employ from time to time, a secretary, treasurer, and such other officers, mechanics and laborers, as they may think proper, for the transaction of the business and concerns of the said company; and also to make and establish such by-laws, rules and regulations, as they shall think expedient for the better management of the concerns of the said corporation, and the same to alter and repeal: *Provided always*, that such by-laws, rules and regulations, be not inconsistent with the laws of this state or the United States; and said directors, shall and may, as often as the interest of the company shall require, and the affairs of the same permit, declare a dividend or dividends of profit on each share, which shall be paid by the treasurer of said company.

Vacancies supplied.

By-laws and rules may be made.

Sec. 5. *And be it enacted*, That if it shall so happen, that an election of directors, should not take place in any year at the annual meeting of the corporation, the said corporation shall not for that reason be dissolved, but such election may be held thereafter, on any convenient day within one year, to be fixed on by the directors, they giving public notice thereof, and in such case the then directors shall hold over until such election takes place.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That the books of said company, containing their accounts, shall at all reasonable times be open for the inspection of any stockholder of said company; and as often as once in each year, a statement of the accounts of said company, shall be made by order of the directors.

Books to be opened to the inspection of stockholders.

Sec. 7. *And be it enacted*, That the directors may call in the subscriptions to the capital stock by instalments, in such proportions and at such times and places, as they may think proper, giving such notice thereof as the by-laws and regulations of said company shall prescribe; and in case any stockholder shall neglect or refuse to pay such instalment or instalments, for the term of sixty days after the same shall become due and payable, and after he, she, or they have been notified thereof, in writing, such negligent stockholder or stockholders, shall forfeit to said company, all his, her or their

Stock paid by instalments.

previous instalments; together with all his, her, or their rights and interests whatever, in said stock.

Sec. 8. *And be it enacted*, That for all debts, which may at any time be due from said company, the directors and stockholders thereof, shall be responsible in their private capacity, and the property and estate of said corporation shall also be responsible: *Provided*, that nothing contained in this act, shall be construed to authorize or empower the said corporation to use the funds of said corporation for any banking transactions; *And provided also*, that this grant shall be subject to be altered, amended or repealed, at the pleasure of the legislature of this state; *And provided further*, that said company, within twelve months from the passing of this act, shall lodge a certificate with the clerk of the county of Bergen, containing the amount of capital stock actually paid in and belonging to said company; and the amount of capital stock thus certified, shall not be withdrawn so as to reduce the same below the amount stated in said certificate; and if any part of the capital paid in and certified as aforesaid, shall be withdrawn without the consent of the legislature of this state, the directors ordering, causing or allowing such withdrawal or reduction of capital, shall be liable, jointly and severally, as traders in company, for all debts due or becoming due, subsequent to the reduction or diminution of the capital aforesaid.

Capital not to
employed in
banking.

Act may be al-
tered or repeal-
ed.

Capital stock
not to be dimi-
nished.

Passed February 8, 1834.

AN ACT to dissolve the marriage contract between Bloomfield Gaskill and Rebecca his wife.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract between Bloomfield Gaskill, of the township of Springfield, in the county of Burlington, and Rebecca, his wife, be, and the same is hereby dissolved as fully as if they had never been joined in matrimony.

Passed February 10, 1834.

AN ACT to dissolve the marriage contract between Curlis Shinn and Clara his wife.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between Curlis Shinn, late of the township of Northampton in the county of Burlington, and Clara, his wife, be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony.

Passed February 10, 1834.

AN ACT to incorporate the Steamboat Company of Middletown Point.

WHEREAS, William Little, De La Fayette Schanck, Joseph Ellis, Asbury Fountain, Francis P. Simpson, John A. Vanderbilt, Holmes Van Mater, of the county of Monmouth, and others, have associated themselves together for the purpose of permanently establishing an intercourse between Middletown Point, in said county, and the city of New York, by means of steamboat navigation, whereby a more regular, certain and expeditious mode of conveyance for passengers and produce, will be established, and the public will be greatly accommodated and much benefitted; they have thereupon prayed to be incorporated for the better managing and conducting the business and concerns of the association—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William Little, De La Fayette Schanck, Joseph Ellis, Asbury Fountain, Garret P. Conover, Francis P. Simpson, John A. Vanderbilt, Holmes Van Mater, and such other person or persons as are now associated with them, and such other person or persons as shall hereafter become associated with them, for the purpose of establishing a steamboat communication between Middletown Point, in the county of Monmouth, and the city of New-York, and their successors and assigns, be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name of the "Steamboat Company of Middletown Point," and by that name, they and their successors shall have succession, and shall be persons in law, capable of suing and

Objects and style of incorporation.

being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure, and they and their successors by the name of the "Steamboat Company of Middletown Point," shall, in law, be capable of purchasing, holding and conveying any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of the incorporation; the capital to be employed by the said company, for the building or purchase of a wharf and storehouse, and the building and purchase of a steamboat, (and tow boats if found necessary) to ply between Middletown Point, in the county of Monmouth, and the city of New-York; *Provided*, that nothing in this section shall be construed to prevent their taking up and landing passengers, produce, merchandise, or other goods and chattels, at any intermediate point or points.

Powers.

Proviso.

Commissioners to receive subscriptions.

Sec. 2. *And be it enacted*, That Holmes Van Mater, William Little, and Francis P. Simpson, shall be the commissioners for receiving subscriptions to the capital stock of said corporation, notice of the time and place of taking said subscription, having been previously given, by public advertisement, inserted in the Monmouth Enquirer, or in one of the newspapers printed at New Brunswick, for three weeks previous thereto.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the capital stock of the said company, shall be twenty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Stock to be apportioned, if more than amount of capital subscribed.

Sec. 4. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving the notice as directed in the second section of this act; and that the said books shall be kept open as long as they, or a majority of them shall think proper; and if more subscriptions be taken than the amount of capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers, as they may deem expedient and conducive to the object contemplated by the incorporation.

Stock to be paid by instalments.

Sec. 5. *And be it enacted*, That at the time of subscribing for the said stock, ten dollars shall be paid to the above named persons, or one of them, upon each share subscribed for, which money shall be paid into the hands of the treasurer of said company, as soon as one shall be appointed;

and when the capital stock shall be subscribed for, and the books closed, and the apportionment made. it shall be the duty of the persons named in the second section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, and such election shall be made by ballot, at the said time and place, by such of the stockholders, as shall attend for that purpose, either in person, or by lawful proxy, each share of the capital stock, entitling the holder thereof, to one vote; and the said persons or a majority of them, shall be the inspectors of the first election of the said corporation, and shall certify under their hands, the names of the persons duly elected, and deliver over the said subscription books to the directors; and that annually thereafter, upon the like notice being given by the directors for the time being, the stockholders shall, in like manner, elect the same number of directors, and also the directors for the time being, shall appoint three inspectors of the election, who shall be stockholders, and the first meeting of the directors shall be appointed by the persons mentioned in the second section of this act, or a majority of them; and the directors chosen at any of the elections shall be the citizens of this state, and as soon as may be after every election, choose out of their own number, a president, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies, may be filled for the remainder of the year, wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, shall and may appoint a president pro tempore, who shall have such power and perform such duties as the by-laws of the said corporation shall provide and enjoin.

Directors to be chosen.

President to be appointed.

Vacancies supplied.

Sec. 6. *And be it enacted*, That if an election of directors should not be made during the day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time within six months after, on notice as aforesaid, and the directors for the time being, shall continue to hold their offices until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That the directors, or a majority of them, shall be competent to transact all the business of the said corporation, and they shall have power to call in the remainder of the capital stock of the said company, by instalments, not exceeding five dollars on each share at any one time, and at such times as they may direct, by giving three weeks notice, published in the newspaper printed in the county of Monmouth, or in one printed at New-Brunswick; and in case of the non-payment of the said instalments,

Duties of directors.

Previous instal-
ments forfeited
on failure to pay.

or any one of them, to forfeit the share or shares, upon which such default shall arise, to and for the use of the said corporation; and the said directors, or a majority of them, shall make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property and effects of the said corporation, and shall also have power to appoint a secretary, treasurer, agents, superintendents, and such servants as may be required to transact the business of said corporation, and allow such compensation to the president and other officers and servants, as to them shall seem proper, and they shall exact from the treasurer, sufficient security for the due performance of his trust, and whenever any share or shares of stock shall become forfeited for non-payment of the instalments of any part thereof, in the manner set forth, the forfeited share or shares may be sold by the president and directors, for the time being, for such prices as can be had for them, and the purchaser or purchasers shall be deemed and considered as members of the company, as fully as if they had been originally stockholders.

Office of direc-
tor to be vacat-
ed on transfer of
shares.

Sec. 8. *And be it enacted*, That in case either of the directors shall transfer the whole of his or their shares of stock in this company, the office of such director or directors shall thereupon become vacated, and in case of vacancy in the office of a director for such cause, the remaining directors shall supply the same, and the directors so chosen shall have the same power and perform the same duties, and be in all respects the same as if elected by the stockholders.

Directors to re-
gulate prices of
transportation.

Sec. 9. *And be it enacted*, That the directors of the said corporation shall have power to fix and regulate the prices of transportation of passengers, goods, wares, and merchandise, wagons, carriages, horses, cattle, and stock of every description that may be transported in boats belonging to said corporation, and declare dividends, retaining such surplus funds as they may deem proper, and do other acts necessary or expedient to enable them to manage the property of the said corporation to the best advantage.

When company
may commence
operations.

Sec. 10. *And be it enacted*, That as soon as four thousand dollars of the capital stock of the said corporation shall be paid in conformably to the provisions of this act, the said corporation may proceed to put in operation the contemplated intercourse, by means of steamboat navigation, and to the accomplishment of all the objects for which this corporation was granted.

Penalty for ob-
structing the free
use of the wharf.

Sec. 11. *And be it enacted*, That the dock or wharf, rented or owned and occupied by the said corporation, shall be for the exclusive use of the said corporation, and that no person shall use, occupy, or obstruct the free use of the same, by the said corporation, without special permission of the direc-

tors, or the agent appointed to superintend the same, and any person so offending, shall forfeit and pay for the use of the corporation, the sum of twenty-five dollars, to be recovered by an action of debt in any court having competent jurisdiction of the same; and shall also be liable to pay to said corporation the amount of damages sustained thereby, to be sued for in an action of trespass.

Sec. 12. *And be it enacted*, That no part of the capital stock or moneys of the corporation shall be used or employed by said company, for banking or other purposes, not clearly indicated in this act, under the penalty of forfeiting this charter.

Capital not to be employed in banking.

Sec. 13. *And be it enacted*, That this act shall continue to be in force during the term of twenty years, from the passage thereof; *Provided*, that it shall be lawful for the Council and General Assembly, at any time hereafter, to amend, repeal, or modify this act.

Limitation of act.

Act may be altered or repealed.

Passed February 11, 1834.

AN ACT to divorce Jacob Godfrey, from his wife Phebe Godfrey.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Jacob Godfrey, of the county of Gloucester, be, and he is hereby divorced from his wife Phebe Godfrey, and that the marriage contract heretofore existing between them, the said Jacob Godfrey, and his wife, Phebe Godfrey, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of the said marriage shall not be deemed illegitimate.

Passed February 11, 1834.

**AN ACT to divorce Catharine Bunnell, from her husband
Ruben T. Bunnell.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Catharine Bunnell, of Sussex, be, and is hereby divorced from her husband, Ruben T. Bunnell, and that the marriage contract heretofore existing between them, the said Catharine Bunnell and Ruben T. Bunnell, her husband, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 11, 1834.

AN ACT to enable the owners of a certain swamp and low lands, near Abraham P. Bogart's at Maucapin, township of Pompton, in the county of Bergen, to open the outlet, and drain the same.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of all that tract of swamp and low land, lying at Maucapin, in the township of Pompton, county of Bergen, containing one hundred acres, and belonging to Abraham P. Bogart, Robert Merian, Samuel Hennion, John P. Shulster, Dominick Merian, Gilbert Smith, and George Tintle, to improve the same by ditching or draining, as may, in the judgment of the managers hereinafter named, appear necessary and proper.

Authorized to
drain swamp.

Managers ap-
pointed.

Sec. 2. *And be it enacted,* That Joseph Board, David H. Reaves, Esq. and Capt. Isaac Smith, be managers, and continue in office till others shall be chosen in their stead, by the owners of said lands or swamps, whose duty it shall be, as soon as practicable, to view and fix the line or boundaries of the said ditch or drain by actual survey, and determine where the line of said ditch shall be, commencing near a bridge called Sanders' bridge, west of Abraham P. Bogart's dwelling, running northerly to a meadow belonging to Abraham P. Bogart and Ralph Bogart; thence northeasterly to the Maucapin road, crossing it; thence southerly over lands of said

Bogart, Robert Merian, Samuel Hennion, Gilbert Smith, John P. Shulster, Charles Merian, Dominick Merrian, Jacob Struble, George Tintle, to the main road near said Tintle's house, and to intersect the Maucapin road near Gilbert Smith's; and also by actual survey, or otherwise to ascertain the boundaries of such lands, as may, in their judgment, be benefitted by the said ditching; and said boundaries so made, and the number of acres belonging to each owner, shall be fairly entered in a book by them kept for that purpose, and shall not be altered, except at an annual meeting of the said owners.

Sec. 3. *And be it enacted*, That the first annual meeting shall be held at the house of Gilbert Smith, in the township of Pompton, near said premises, on the first Monday of May, next ensuing, and on the first Monday of May annually thereafter, at such place as shall have been agreed upon at a previous annual meeting, by a majority of the owners, at which time and place, the owners and possessors aforesaid, shall between the hours of one and five o'clock in the afternoon, proceed to elect three managers, each owner having one vote, and one additional vote for every fifty dollars worth of said meadow, who shall determine the amount of money to be raised for the expenses for the year, and to fix the rate of labor per day, and compensation of the managers, all which shall be regularly entered in the book aforesaid, and which entry shall be evidence of the proceedings of said annual meeting and their managers.

Time and mode
of electing man-
agers.

Mode of voting.

Sec. 4. *And be it enacted*, That the managers elected as aforesaid, shall assess the sums agreed upon to be raised at the annual or other meeting, or ordered by the managers on the lands embraced in said boundaries, or such as are benefitted by said ditch or drain, in proportion to the value and benefit, in their judgment, the lands will receive, and to fix the time for opening said ditch or drain, and to superintend and direct the same, to receive and appropriate all moneys and labor, at their discretion, for effectually draining said swamp or low lands, and may enter upon the said land, cut, and remove timber and wood necessary for the purpose of effectually making said ditch or drain.

Managers to as-
sess the expenses
of draining, up-
on the owners.

Sec. 5. *And be it enacted*, That the owners and possessors of the land aforesaid, shall be privileged to work out their assessment at the rate agreed upon as a compensation for their labor, at a previous annual meeting, or by the managers: *Provided*, such owner or owners, possessor or possessors, shall, at or within ten days after an annual meeting, give notice to any one of the acting managers of their intention so to do, in which case, it shall be the duty of the managers to notify them personally, or to cause a notice in writing, to be left at their usual place of abode, stating the amount of their assessment, and the time and place agreed upon for working at the

Owners may
work out their
assessment.

aforesaid ditch or drain, giving at least five days notice thereof, and if any such owner or owners, possessor or possessors, shall neglect to work in pursuance of such notice, of which evidence may be given by the person making it, whether a manager or not, then, and in such case, he or they so neglecting, shall be liable to pay the amount of their assessment in money to the said managers.

Notice of amount of assessment to be given to owners, &c.

Sec. 6. *And be it enacted*, That it shall be the duty of the managers, where any owner or owners, possessor or possessors, shall not give notice, as aforesaid, of their election to work out their assessment, to notify them, either personally or by causing a written notice to be left at their usual place of abode, of which, evidence may be given by the person giving such notice, whether a manager or not, stating the amount of their respective assessments, demanding the same, and in case such owner or owners, possessor or possessors, shall refuse or neglect to pay the same for the space of thirty days thereafter, it shall and may be lawful for the managers elected, to sue for and recover the same in their own name, from each and every individual so neglecting, as aforesaid, before any court of competent jurisdiction, with costs of suit, to be applied for the aforesaid purposes.

Timber &c. on lands, when owner is not known, to be sold for expenses.

Sec. 7. *And be it enacted*, That if in designating the several lots of land within the boundaries aforesaid, there should be any other owners who are not known or cannot be found, then, and in such case, it shall be the duty of the managers, from time to time, to assess the same as other such lands are assessed, within the boundaries aforesaid, and to enter upon and sell off so much of the wood and timber, and herbage there standing or growing, as may be necessary to pay the said assessment, having first given notice of such sale at least three weeks, by advertisements put up in three of the most public places in the neighborhood where the land lies; and it shall and may be lawful for any person purchasing as aforesaid, to enter upon the said land, and cut and remove any such timber, wood, or herbage, as is particularly designated in said sale.

Managers to account annually.

Sec. 8. *And be it enacted*, That the managers shall annually account to the owners for all moneys, or assessments of labor which have come into their hands, or been apportioned by them, and pay over all balances remaining in their hands, if any, and deliver over the books and papers of every description pertaining to the aforesaid trust, immediately upon their going out of office, to their successors, under the penalty of one hundred dollars, on the default, to be sued for and recovered by the successors in office, with costs of suit, and to be applied, when recovered, to the purpose of clearing out said ditch or drain.

Passed February 11, 1834.

**AN ACT to divorce Sarah C. Gulick from her husband
Abraham Gulick.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Sarah C. Gulick, of the county of Middlesex, be, and she is hereby divorced from her husband, Abraham Gulick, and that the marriage contract heretofore existing between them, the said Sarah C. Gulick, and Abraham Gulick, her husband, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 11, 1834.

AN ACT to incorporate the Bridgeton and Centreville Railroad and Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That David Reeves, Isaac Johnson, William Loper, George W. Janvier, Jeremiah Stull, James Hood, jun., Samuel Porch, David Vanmater, and their associates, shall be, and are hereby constituted a body politic and corporate, in law, by the name of "The Bridgeton and Centreville Railroad and Transportation Company," and by that name, they and their successors shall be known in law, and have power to sue and be sued, defend and be defended in all courts of law and equity whatever, and by that name shall be capable of purchasing or otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate; shall have perpetual succession, and may have a common seal, and the same to alter or renew at pleasure; and have, exercise, use and enjoy all the rights, powers, privileges, benefits and immunities that pertain to other corporate bodies, and which may be necessary for the purposes of this act.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the capital stock of the said corporation shall be thirty thousand dollars, with liberty to the said corporation, to increase the same to fifty thousand dollars, if necessary, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct.

Amount of capital stock.

Commissioners
to receive sub-
scriptions.

Sec. 3. *And be it enacted*, That David Reeves and Fayette Pierson, of Cumberland, Thomas Whitaker and Isaac Johnson, of Salem, and William Porch, of Gloucester, be, and they are hereby appointed commissioners to receive subscriptions for the capital stock of said corporation, and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscription, at such times and places as they, or a majority of them, shall appoint, giving twenty days notice of such times and places, in a newspaper of each of the counties of Cumberland, Salem and Gloucester, and at such times and places so fixed, the said commissioners, or any three of them, shall attend and receive subscriptions to the said capital stock; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable and just; and at the time of subscribing for said stock, five dollars on each share subscribed, shall be paid to the said commissioners, in gold or silver coin, or legal and current bank notes, and the residue thereof may be called in, and shall be paid at such times, and in such amounts, by instalments, as is, by this act hereinafter directed; and the said commissioners may meet from time to time, until the whole stock be subscribed.

Time and mode
of choosing di-
rectors.

Sec. 4. *And be it enacted*, That whenever there shall be six hundred shares of the said stock subscribed, and three thousand dollars paid in as above directed, the said commissioners, or a majority thereof, shall give public notice for twenty days, in one or more newspapers of this state, nearest the location of said road, of a meeting of the subscribers to said stock, for the purpose of choosing directors, and organizing the said company; and of which said election the said commissioners shall be the judges, which subscribers, when so met, shall proceed to elect, by ballot, from among the subscribers or stockholders, seven directors, who shall be citizens and residents of this state, and hold their offices for one year, and until others are elected, and each stockholder, at such election, and at all future elections of said corporation, shall have one vote for each share, he, she or they, shall own at the time of such election, not exceeding twenty shares, and for every five shares above twenty, one vote, and that such stockholder or stockholders may vote at any election by proxy, duly authorized for that purpose.

President to be
chosen.

Sec. 5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, and such other officers, with such salaries as they may deem proper, and shall and may employ such artificers, engineers, agents, laborers and workmen, for the purpose aforesaid, with such compensation as shall appear to the said directors, rea-

reasonable and just; and shall and may make, ordain and establish such by-laws and regulations for their own government, and that of the persons by them employed, as shall and may from time to time be necessary to effectuate this charter, and a majority of the said board, shall, at all times, be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments, not exceeding ten dollars each, by giving thirty days notice of such required instalments, in one or more newspapers, circulating, generally, in the neighborhood where such stockholders reside; and if any stockholder shall neglect or refuse, for twenty days after such instalment is due, to pay the same, he, she, or they, so neglecting or refusing, shall forfeit their stock and all payments made thereon; and the said board of directors shall, and may, require from their treasurer, such security as to them shall seem just; *Provided* always, that no by-law or regulation of said company, shall be inconsistent with or repugnant to the laws of this state, or of the United States, or this charter.

Instalments forfeited on failure to pay.

Provided.

Sec. 6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required, to pay over to the said board of directors, or to such person as they, or a majority of them shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom all expenses to which they have been exposed, for books, printing, or other expenditures, and the sum of one dollar per day, for each and every day they shall have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter, cause an election to be held at such time and place, as their by-laws shall direct, for directors of the said corporation; and such directors so annually chosen, shall in like manner, have power to elect their president and other officers, agents, engineers, workmen and artificers, as is by the fifth section of this charter herein before provided; and shall and may have the power at all times, to remove their officers and other persons so appointed, and appoint others in their stead, if the interests of the company shall require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen, from death, resignation, or otherwise.

Commissioners to pay over moneys received to directors.

Annual election of directors.

Sec. 7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day, or at the time, when pursuant to this act it ought to be made, the said corporation shall not for that cause, be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Company may
enter upon
lands, &c.

Sec. 8. *And be it enacted*, That the said president and directors of the said company, are hereby authorized and invested, with all the right and powers necessary and expedient to survey, lay out, and construct a railroad, to commence at or near the termination of Point street, in the town of Bridgeton, Cumberland county, at Cohansey creek, and to run thence by the most eligible route to Carlsburg, in said county of Cumberland, about three miles, passing through said village, and thence still by the most eligible route on the west side of a certain public road of four rods wide, from Carlsburg to Centreville, in the county of Salem; thence by the most eligible route to or near Little Ease Mills, in the county of Gloucester, making the whole distance about sixteen miles; with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling or laying out the route or routes of such road, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary to call into full effect, the objects of this charter: *Provided always*, That the said corporation shall pay or make tender of payment, of all damages for the occupancy of the lands, through which the said railroad may be laid out, before the said company, or any person in their employ, shall enter upon, or break ground in the premises, except for the purpose of surveying said route, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings
when the com-
pany and owners
of lands cannot
agree upon their
value.

Commissioners
appointed to ap-
praise the value
of lands.

Sec. 9. *And be it enacted*, That if the owners of the land on which such railroad shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the Inferior Court of Common Pleas of the county, in which the said disputed land shall lie, who is disinterested in the premises, upon the application of either party, and after notice to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county, to assess the price or value of said land, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after notice to both parties, of the time and place, shall meet,

view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the Inferior Court of Common Pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with notice to the opposite party of such appeal, which proceeding shall vest in the said Court of Common Pleas, full right and power to hear and adjudge the same, and if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such land and real estate so appraised as aforesaid.

Sec. 10. *And be it enacted*, That in case any owner or owners, of such land or real estate, shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation, to pay the amount of any award or report so made on behalf of any such person, into the Court of Chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for, and the said judge shall, and may order and direct the amount of the costs and charges of such valuation, appraisement, and witnesses' fees.

Appeal may be had to the Court of Common Pleas.

A venire may be awarded.

By whom cost to be paid.

When amount of award of commissioners to be paid into Chancery.

Bridges to be constructed when other roads cross the railroad.

Sec. 11. *And be it enacted*, That it shall be the duty of the said company, to construct and keep in repair, good and sufficient bridges or passages, over or under the said railroad, where any public or private road shall cross the same, so that the passage of carriages, horses and cattle, over the said road shall not be impeded thereby, and also, where the said road shall intersect any farm or other lands, of any individual to provide and keep in repair suitable wagon ways over or under said road, so that the same may be passed; and likewise to make and maintain good and lawful fences along the line of said road, where the same may be necessary.

Company may construct vehicles for transportation of passengers and merchandise.

Rate of tolls.

Sec. 12. *And be it enacted*, That the president and directors of the said company, shall have power at their discretion to have constructed or to purchase with the funds of the company, and to place on the railroad by them constructed, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property thereon, as they may think expedient and right; *Provided* they shall not charge more than at the rate of ten cents per mile per ton, for the transportation of property on said road not particularly specified in this act, five cents per mile for each passenger in the carriages of the company, ten cents per cord per mile for wood, ten cents per thousand feet for lumber per mile, and one eighth of a cent per mile per bushel for grain, and that the said railroad and appendages, carriages, engines, tools, implements, and all other property, real and personal, by the said company, had, held, used, occupied and enjoyed, and necessary and proper for the use of the said company, shall be, and the same is hereby vested in the said corporation, and their successors and assigns, during the continuance of this act.

When the railroad may be commenced.

Time limited for completion.

Proviso.

Sec. 13. *And be it enacted*, That the president and directors of the said company, may, whenever the sum of six thousand dollars is paid in, according to this act, commence the said railroad at Bridgeton aforesaid, and shall complete the same to Centreville, in the county of Salem; and if the whole of the capital stock shall be subscribed, they are then authorized and required to continue the said railroad to Little Ease Mills, in the county of Gloucester, according to the direction of the seventh section of this act; and if the said road shall not be finished to Centreville, within ten years, or finished the whole distance within fifteen years, then the rights of the said corporation as to the part of such road unfinished, shall wholly cease and be void; *Provided*, that nothing in this act contained, shall prevent the said corporation from the full use, privilege and enjoyment of such part of said road, as shall within the said period be finished and completed.

Sec. 14. *And be it enacted*, That if any person shall willfully impair, injure, destroy or obstruct the use of the said

railroad, or any part thereof, constructed by the said corporation, under the provisions of this act, or any of their works, wharves, carriages, houses, bridges, engines, machines, implements or tools, such person so offending shall forfeit and pay to the said company, the sum of twenty dollars, to be by them recovered in any court, having competent jurisdiction, in an action of debt, and shall be also liable for damages.

Penalty for injuring the road or property of the company.

Sec. 15. *And be it enacted*, That the president and directors of the said corporation, shall within one year after the full completion and use of seven miles of the said road, declare and make such dividends out of the clear profits of the said railroad as they may deem prudent, and shall in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders or their legal representatives, in proportion to the shares held by them respectively, as they may deem prudent; *Provided*, that the said corporation shall not at any time make, declare, or pay out any dividends of the capital stock of said corporation.

When dividends to be made.

Proviso.

Sec. 16. *And be it enacted*, That the road authorized by this act, be, and the same is hereby declared a public highway, and shall be free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls by this act allowed, and where the carriages, that so pass said road, are owned by other persons than the company, the following rates of toll shall be paid to said company; five cents per mile per ton, for the transportation of property (not herein specified;) five cents per thousand feet per mile, for lumber; five cents per mile for each cord of wood; one sixteenth of a cent per mile per bushel, for all kinds of grain; two and a half cents per mile for each passenger, and two cents per mile for each empty carriage, car or other vehicle, and the same for each horse, mare, gelding or mule; *Provided*, that the said carriage so used thereon, shall be of the same description in the formation of the wheels and length of axle as those used by the company, and shall be so regulated as to the time of starting and rates of travelling as not to interfere with the carriages of the company, or with any regulations they may adopt under the provisions of this act; and the persons travelling on said road, shall, at all times be subject to the rules of said corporation.

Tolls to be paid when carriages are not owned by company.

Proviso.

Sec. 17. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished and completed, the president and treasurer of said company, under oath or affirmation, shall file a statement in the office of the secretary of state, of the actual cost of said road, including all expenses, and annually thereafter, the president and treasurer of said company shall make a statement to the legislature of this state, under like oath or affirmation, of the proceeds of said road, until the net income of said road shall amount to ten

Statement of the cost of the road, to be filed in the office of secretary of state.

per cent. per annum, upon the amount of such cost and expenses, and as soon as the net proceeds of said road shall amount to ten per centum per annum upon its whole cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum per annum on the cost of said road, to be paid annually, on the first Monday of January, in each year; *Provided*, that no other tax shall be imposed upon the said road.

Capital not to
employed in
banking.

Sec. 18. *And be it enacted*, That the said corporation shall not in any manner or form, use, or employ any part of their stock, funds, or other estate, in banking operations, upon penalty of the immediate forfeiture of this charter.

Limitation of
act.

Sec. 19. *And be it enacted*, That this act shall continue in force for the term of twenty-five years, and shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatever; and the legislature may, at any time, have power to alter, modify, or amend this act as they shall see proper.

Act may be al-
tered or repeal-
ed.

Passed February 11, 1834.

AN ACT to divorce Catharine Pearce from her husband Edward Pearce.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Catharine Pearce, of the county of Gloucester, be, and she is hereby divorced from her husband Edward Pearce, and that the marriage contract heretofore existing between them, the said Edward Pearce and his wife, Catharine Pearce, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 12, 1834.

AN ACT to divorce John Citler Witts from his wife, Elizabeth Witts.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Citler Witts, of the county of Warren, be,

and he is hereby divorced from his wife, Elizabeth Witts, and that the marriage contract heretofore existing between the said John Citler Witts, and Elizabeth Witts, be, and the same is hereby dissolved, as if they had never been joined in matrimony.

Passed February 13, 1834.

AN ACT for the relief of John Z. Drake.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the treasurer of this state, for the time being, do pay, and he is hereby authorized and required, half yearly to pay to John Z. Drake, a soldier in the service of the United States, in the revolutionary war, or to his order, at the rate of sixty dollars by the year, from the passing of this act, during the life time of the said John Z. Drake; and the receipt of the said John Z. Drake, or his order, shall be a sufficient voucher to the treasurer, for such sums as may be paid by virtue of this act in the settlement of his accounts.

Sec. 2. And be it enacted, That if the Congress of the United States shall hereafter provide for the remaining soldiers of the revolution, not now provided for, and the said John Z. Drake, be provided for thereby, that this act shall cease and become void, and the payment of the pension hereby granted, shall be discontinued, from the time of the commencement of his pension from the United States.

Passed February 13, 1834.

AN ACT to divorce Mary Bevens, from her husband Samuel Bevens.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Mary Bevens, be, and she is hereby di-

vorced from her husband, Samuel Bevens, and that the marriage contract, heretofore existing between the said Samuel Bevens, and Mary Bevens, be, and the same is hereby forever dissolved.

Sec. 2. *And be it enacted*, That the issue of the said marriage, be, and they are hereby committed to the protection and guardianship of Mary Bevens, their said mother, until they attain the age of twenty-one years, or until other guardians be lawfully appointed in her place.

Passed February 13, 1834.

AN ACT to authorize Isaac Crater and Neiser W. Weise, Administrators of Philip Crater, junior, deceased, to fulfil a contract for the sale of a tract of land, made by the said Philip Crater, junior, deceased, with Andrew B. Stout.

Preamble.

WHEREAS, it appears, that Philip Crater, junior, late of the county of Morris, deceased, did, in his life-time, contract and sell, by a certain written agreement, to Andrew B. Stout, a certain tract of land and premises, situate in the township of Tewksbury, in the county of Hunterdon, containing about two hundred and nineteen acres or thereabouts, and bounded by lands of William Youngs, John C. Salter and others, and now in the possession of the said Andrew B. Stout, and that a part of the purchase money has been paid by the said Andrew B. Stout, to the said Philip Crater, jun., in his life-time, and that a second part thereof is to be paid on the first day of April, in the year of our Lord, one thousand eight hundred and thirty-four, at which time, according to the terms of the agreement, a deed of conveyance was to have been made to the said Andrew B. Stout; all which appearing just and reasonable—Therefore,

Administrators
empowered to
convey lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the said Isaac Crater and Neiser W. Weise, administrators of Philip Crater, jun. deceased, or the survivors of them, be, and they are hereby authorized and empowered, to make a deed of conveyance unto the said Andrew B. Stout, and to his heirs and assigns, for a certain tract of land in the township of Tewksbury, in the county of Hun-

erdon, containing two hundred and nineteen acres, or thereabouts, now in the possession of the said Andrew B. Stout, and which the said Philip Crater, jun., by a certain agreement in writing, in his life-time, agreed to convey unto the said Andrew B. Stout, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said tract of land, as if the same had been made and executed by the said Philip Crater, jun., in his life-time.

Sec. 2. *And be it enacted*, That the said administrators be authorized and empowered to take a mortgage upon the said tract of land, for so much of the consideration money as may be due and owing, after the second payment shall have been made by the said Andrew B. Stout, and to do, and perform all other acts and covenants in the said agreement specified, in as good and effectual a manner as the said Philip Crater, jun., had he survived, could have done. To take mortgage.

Sec. 3. *And be it enacted*, That before the said Isaac Crater, and Neiser W. Weise, engage in the trust assigned them by this act, they shall enter into bond, to the governor of this state, in such sum and with such security, as the judges of the Orphans' Court of the county of Morris, shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the surrogate's office of said county. To give bond.

Passed February 13, 1834.

AN ACT to authorize Aaron Gulick, Esquire, to execute a certain contract, entered into by John H. Vanderhoof, in his life time.

WHEREAS, John H. Vanderhoof, deceased, late of the township of South Amboy, in the county of Middlesex, in his life time, entered into an agreement with John H. Disborough, of the township and county aforesaid, to convey to him the one undivided moiety or half part of a certain lot of land, situate in the village of Spotswood, in the township of South Amboy, and county aforesaid, adjoining the land of the Dutch Reformed Church, the Monolopen river, the land of the late Kenneth A. Conover, deceased, and of the South Amboy and Bordentown Turnpike Company, for and in consideration of the sum of eighty dollars; **AND** **WHEREAS**, the said John H. Vanderhoof, in his life time, did Preamble.

receive of the said John H. Disborough, the sum of five dollars in payment of the said consideration, and did cause a deed of conveyance to be drawn to convey the said lot of land to the said John H. Disborough, but by his sudden death was prevented from executing the same; AND WHEREAS, Alice Vanderhoof, the wife of the said John H. Vanderhoof, hath, by her petition, prayed that a law might be passed to authorize Aaron Gulick, Esquire, of the township of South Amboy, and county aforesaid, to complete the said contract of her said husband, and after deducting his reasonable expenses, to pay over the residue of the said purchase to her, for her own and her children's use; AND WHEREAS, the said John H. Vanderhoof, departed this life without making any last will or testament, and without leaving sufficient estate to induce any administration to be taken thereon, or to defray the expenses thereof, leaving his said wife Alice Vanderhoof, and two minor children—Therefore,

Authorized to
convey lot of
land.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Aaron Gulick, Esquire, of the township of South Amboy, in the county of Middlesex, be, and he is hereby authorized to execute and deliver to the said John H. Disborough, a deed for the above mentioned lot of land, according to the terms of the said agreement, and that the said deed of the said Aaron Gulick, shall have the same force and effect as if the same had been executed by the said John H. Vanderhoof, in his life time; and the moneys received by the said Aaron, on account of the said sale or conveyance of the said lot of land, be paid to the said Alice Vanderhoof, for the benefit of the said Alice and the children of the said John Vanderhoof.

Passed February 13, 1834.

AN ACT to extend an act entitled "An act to incorporate a bank at Paterson," passed the sixteenth day of February, eighteen hundred and fifteen.

Charter of Pa-
terson bank ex-
tended.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the act entitled "An act to incorporate a bank at Paterson," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and fifteen, be, a

the same is hereby extended and declared to be continued until the sixteenth day of February, in the year of our Lord one thousand eight hundred and forty-two, and from thence to the end of the next session of the legislature, and no longer; *Provided*, that the said bank shall not resume banking operations, unless the stockholders shall actually and bona fide pay in, in addition to the capital now on hand, at least seven thousand five hundred dollars, in specie or notes of the bank of the United States, or notes of the banks of this state, or of the city of New-York, which pay their notes in specie on demand; and said bank shall not issue any notes or bills, until an affidavit by the president and cashier, shall have been made and filed in the office of the secretary of state, to that effect, and that the legislature may at any time hereafter, for good cause, alter, amend or repeal this act.

Passed February 14, 1834.

Seventy five thousand dollars additional capital to be first paid in.

Act may be altered or repealed.

FURTHER SUPPLEMENT to an act entitled "An act to incorporate a company, to extend the Paterson and Hamburg Turnpike to the Hudson river," passed February sixteenth, one thousand eight hundred and sixteen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the time for completing the road and bridges of the said company shall be, and the same is hereby extended to the eighteenth day of February, in the year of our Lord one thousand eight hundred and forty.

Passed February 15, 1834.

AN ACT to incorporate the Plainfield Mutual Assurance Fire Company, of Plainfield, Essex county.

WHEREAS, Jacob Manning, Nathan Vail, Randolph Dunham, Joseph D. Shotwell, James Leonard, and others, inha-

Preamble.

bitants of the counties of Essex and Middlesex, have, by their petition to the Legislature, set forth the great advantages that would result from an act of incorporation, enabling them and others, their associates, to insure their buildings and other property, against loss or damage by fire; and it appearing to the Legislature that the prayer of the petitioners is reasonable, and ought to be granted—Therefore,

Style and object of incorporation.

Proviso.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Jacob Manning, Nathan Vail, Randolph Dunham, Joseph D. Shotwell, James Leonard, and others their associates, successors and assigns, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Plainfield Mutual Assurance Fire Company;" the office thereof to be located in the village of Plainfield; and by that name they and their successors, shall and may have succession, during the continuance of this act; and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the name of "The Plainfield Mutual Assurance Fire Company," shall be, in law, capable of purchasing, holding, and conveying, any estate, real or personal, for the use of the said corporation; *Provided*, that the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet, and to transact the business of the said corporation, or such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts; and with regard to all such lands, tenements, and hereditaments, so to be held by the said corporation, as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be, and remain in the mortgagors, their heirs or assigns, the said corporation shall be bound to sell and dispose of the same respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years.

Corporation not to be engaged in traffic or buying or selling stocks.

Sec. 2. *And be it enacted,* That the said corporation shall not, directly, or indirectly, deal, or trade in buying or selling any goods or commodities whatsoever, or in buying or selling

any stock, created by any act of the Congress of the United States, or any individual state, unless by purchasing for the purpose of investing its capital stock, or any part thereof in the same, and in selling the goods and commodities and stock so purchased, or when such stock shall have been duly pledged to it by way of security of debts to the corporation, or for the payment of their deposits.

Sec. 3. *And be it enacted*, That it shall not be lawful for the president, or a director of any other Insurance Company, engaged in insuring houses, stores, and personal property, against loss by fire, to be president or director of the company incorporated by this act.

President or director of any other insurance company disqualified from office.

Sec. 4. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by fifteen directors, all of whom shall be citizens of this state, to be chosen by ballot, by and from among the members, to hold their offices for one year, and until others are chosen to fill their places; and that the election for directors shall be held on the second Monday in March, in every year, between the hours of ten in the forenoon, and six in the afternoon, at such place as the majority of directors for the time, being shall appoint, and public notice shall be given by the secretary, by advertisements, set up in four of the most public places within the bounds of the said corporation, at least ten days previous to the time of holding said election; and if any of the said directors shall die, or refuse to serve, or neglect to act in their said office, for and during the space of six months successively, then, and in every such case, another director shall and may be chosen in the place of said director so dying, refusing, or neglecting to act as aforesaid, by a majority of the directors, or such of them as shall be present at their next meeting of the corporation, after such vacancy shall happen, which person so appointed, shall be a director until the next general election; and in case it should happen that an election of directors should not be held on any day, when pursuant to this act it ought to have been held, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any other day, to hold an election of directors in such manner as the by-laws of the said corporation shall have prescribed; and until an election of directors shall be had according to the provisions of this section, the following persons shall be directors, namely, Jacob Manning, Randolph Dunham, Nathan Vail, James Leonard, Robert Anderson, Zachariah Webster, Randolph M. Stelle, Joseph D. Shotwell, Alexander Wilson, David Duan, Daniel C. Shotwell, Daniel Shotwell, Noah Drake, Laing Webster, and Elisha Runyon.

Time and mode of choosing directors.

First directors.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said corporation to ensure houses, stores and other

What property may be insured.

buildings, together with all kinds of household furniture, goods, wares and merchandise.

Mode of payment of premiums by members of the corporation.

Sec. 6. *And be it enacted*, That every person who shall be a member of this corporation, shall pay in advance from the commencement, the annual premiums required by the by-laws of said company for eight years, whereupon, he, or she, shall be considered as insured for, and during the time that the said corporation shall continue to exist, without any further payments, unless the hazard should be increased or the losses sustained by the said corporation, should exceed the interest of the funds already paid in; and if such losses should occur, it shall and may be lawful for the board of directors, for the time being, to require such further premiums from the members of said corporation, to be paid to the secretary thereof, as shall be equivalent to the sum taken from the eight premiums aforesaid occasioned by such losses; *Provided*, that any member may withdraw from said corporation, at any time he or she may desire, and shall not be liable to pay any other sum or sums of money, or any other tax or assessment than that or those already paid before he or she withdrew from the said corporation; *Provided further*, that the right of any member shall be transferable, and the person or persons to whom the transfer may be made, shall be admitted as a member of the said corporation, with the consent of the directors, for the time being, but in case of failure of any member, or his assignee, to pay such additional premium, within sixty days after notice thereof, in writing, by the secretary, the premiums already paid in shall be forfeited.

Qualification of membership.

Sec. 7. *And be it enacted*, That from and after the passing of this act, no person shall be admitted as a member, and entitled to all the benefits and privileges of the said corporation, unless he or she shall first pay, or cause to be paid to the secretary thereof, the same amount of premium with the interest accrued thereon, as is already paid to the said corporation by the first insured members thereof, nor shall any person be admitted as a member after the expiration of two years from the passing of this act, but any person or persons applying may have their property insured, by paying or causing to be paid to the secretary, such premium as may be required by the by-laws of the said corporation.

No compensation to directors.

Sec. 8. *And be it enacted*, That the directors of the said corporation shall not take or receive any compensation for their services as directors.

Powers and duties of directors.

Sec. 9. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching all such other matters as

appertain to the business, ends, and purposes which the corporation by this act is entitled to, and also, shall have power to appoint a secretary, four surveyors, and such additional officers, clerks, and servants, for carrying on the business of the said corporation, with such allowances as to them shall seem meet; *Provided*, that such by-laws, rules, and regulations, be not repugnant to the constitution and laws of the United States, and of this state.

Sec. 10. *And be it enacted*, That the directors shall meet once in each and every three months, and oftner if need be, at such time and place, as the said directors shall appoint for the transacting the business of the said company; and there shall be a general meeting of the members of the said corporation, on the second Monday in March, in each and every year, notice of which shall be given, ten days previous, by setting up four advertisements within the bounds of said company, and all meetings of the directors and of the members, shall be held in such place, and conducted in such manner as shall be from time to time prescribed by the by-laws of the said corporation; and it shall be lawful for the members at any such meeting, to alter, amend, or repeal the by-laws, rules and regulations, which by this act are authorized to be made and prescribed by the directors; *Provided*, a written notice shall have been given ten days previous to the meeting, and the same shall not be altered, amended, or repealed, except at the annual meeting.

Directors to meet once in three months.

Sec. 11. *And be it enacted*, That at the meeting of the directors, to be held on the second Monday in March, in each and every year, the directors shall choose from among themselves, one person to be president, and one to be vice president, who shall continue in office for one year, and until others shall be appointed in their stead; it shall be the duty of the president, to preside at all meetings of the company and directors, preserve order, and give the casting vote, sign all policies of assurance, all drafts and orders for the payment of money, and all obligations, and other instruments ordered by the board or corporation; and in his absence it shall be the duty of the vice president to perform his duties.

President and Vice President to be chosen.

Sec. 12. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of assurance, countersign and seal the same with the seal of said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company or board, from time to time, by their by-laws, may direct.

Duties of secretary.

Sec. 13. *And be it enacted*, That all policies of assurance, which shall be made by the said corporation in pursuance of

Regulation of policies of assurance.

this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such place as shall be from time to time ordained and prescribed by the by-laws, rules, and regulations of the said corporation.

Sec. 14. *And be it enacted*, That no transfer of any policy of insurance of the said corporation, shall be valid until entered into the books of the company, and certified on such policy by the secretary.

Restrictions concerning the issuing of notes, &c.

Sec. 15. *And be it enacted*, That it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contract for the payment of money, only except the same be under the seal of the said corporation, and all such notes, bills, and contracts, shall be construed and taken to be specialties, and shall not possess any other or greater power, of being assigned or transferred, than specialties at common law, nor shall the said corporation be concerned directly or indirectly, in any banking or other operation not plainly indicated by this act.

Limitation of act.

Sec. 16. *And be it enacted*, That this act shall continue and be in force until the second Monday in March one thousand eight hundred and sixty; *Provided*, that the legislature may at any time alter, amend and repeal this act, when the public good may require it.

Act may be altered or repealed

Passed February 15, 1834.

A FURTHER SUPPLEMENT to the act, entitled "An act to incorporate a company to create a water power at the city of Trenton and its vicinity, and for other purposes," passed February the sixteenth, eighteen hundred and thirty-one.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same*, That the fifth section of the act to which this is a supplement, be, and the same is hereby repealed; and that hereafter the management of the business and concerns of the said company shall be vested in nine managers, five of whom shall form a quorum to do business.

Passed February 15, 1834.

A SUPPLEMENT to the act, entitled "An to incorporate the Mount Holly Insurance Company, in the county of Burlington," passed January twenty-first, one thousand eight hundred and thirty-one.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the first Saturday of May next, the said corporation, shall be known and called by the name and style of "The Mount Holly Insurance Company," and by that name shall be known in law; and have all the powers, privileges, rights and liberties, granted and given in the said act to which this is a supplement.

Style of incorporation.

Sec. 2. *And be it enacted,* That the directors of the said company, shall hereafter be elected on the first Saturday of May, in each and every year.

Time of election of directors.

Sec. 3. *And be it enacted,* That it shall and may be lawful, for the said company, to insure against loss or damage by fire, all sorts of personal property, whether contained in buildings, vessels or otherwise, to insure against loss or damage by fire, and the dangers from wind, weather or water, vessels engaged in the coasting trade, or inland navigation and wood, coal, lumber, goods, wares and merchandise contained in them, to make insurances upon the lives of persons; and valuable beasts, and grant annuities.

Description of property which may be insured.

Sec. 4. *And be it enacted,* That so much of the first, and fifth sections of the act, to which this is a supplement, as comes within the purview of this act, and so much of the twentieth section of the said act, as limits the continuance of the same, shall be and the same are hereby repealed.

Parts of former act repealed.

Passed February 16, 1834.

AN ACT to incorporate the New Jersey Insurance Company in the county of Essex.

WHEREAS, sundry inhabitants of the town of Newark and its vicinity, in this state, have represented to the legislature, that insurance of vessels and other property, situate and belonging to citizens in this state, is frequently, and to a large amount made in the city of New York, and that another insurance company in the town of Newark, under proper regulations, would tend to the convenience of the inhabitants, and would confine, at home, a source of wealth which is yearly carried into another state—Therefore,

Provision.

Style and powers of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all such persons as shall become stockholders to the capital stock, hereinafter mentioned, their successors and assigns, shall be, and hereby are constituted and made a body politic and corporate, by the name and style of "The New-Jersey Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and effects of what nature and kind soever, necessary for the purpose of this corporation; and the same to grant, demise, alien and dispose of at pleasure, for the benefit of said company; and may also have a common seal, and alter, and renew the same at their pleasure; and also to make and establish such by-laws and regulations as shall seem necessary and expedient, for the well ordering and government of said institution, and to put the same into execution; *Provided*, that the same be not contrary to the laws of the United States, nor of this state.

Amount of capital stock.

Sec. 2. *And be it enacted,* That the capital stock of the said company, shall be three hundred thousand dollars, to be divided into shares of fifty dollars each; and that ninety thousand dollars of the said stock, shall be subscribed and actually paid, before the said company shall be allowed to commence business.

Mode of payment.

Sec. 3. *And be it enacted,* That the sums subscribed, shall be paid, to the persons hereinafter mentioned, in the following manner; five dollars on each share at the time of subscription, and the remainder to be paid in such instalments, and at such times as the president and directors may appoint.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted,* That the secretary of said company, shall give notice in the newspapers published in the town of Newark, at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment, for the space of thirty days after such time of payment, to the persons appointed to receive the same, shall forfeit to the said company, all and every such shares whereon there shall be a deficiency, and all moneys previously paid thereon.

Time and mode of choosing directors.

Sec. 5. *And be it enacted,* That the stock, property, affairs and concerns of the said company, shall be managed and conducted by twenty-five directors, who may respectively, hold their offices for one year, and until others may be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in the said company, in their own right, and shall be citizens of New-Jersey; and the said directors shall hereafter be elected on the last

Tuesday of January, in each and every year, at such hour of the day, and at such place, in the town of Newark, as the board of directors for the time being shall appoint; of which election public notice shall be given in the newspapers printed in the town of Newark, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or represented by their proxies; but no share shall entitle the holder to vote, unless the same has been held by him, at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States; and the first directors shall be John Harrison, Zephaniah Drake, Abraham Reynolds, Jacob K. Mead, Elias Vanarsdale, junior, Hansford Smith, Prudden Alling, Ferdinand S. Schenck, John M. Cornelison, A. W. Corey, John Travers, Moses Bigelow, Thomas Salter, John S. Darcy, William Stevens, Alven Hedden, Andrew P. Hopper, John N. Utter, Isaac Baldwin, William Dow, Thomas Muir, Jacob M. Ryerson, Daniel H. Ellis, John Titus and Jephtha B. Munn, who shall respectively hold their offices until the last Tuesday in January, in the year of our Lord one thousand eight hundred and thirty-five, and until other directors are chosen in their stead.

First directors.

Sec. 6. *And be it enacted,* That the directors herein before mentioned, shall, as soon as convenient after the passing of this act, and the directors annually chosen agreeably to the provisions of this act, shall, as soon as convenient after their election, proceed to choose out of their body, one person to be a president, who shall be an inhabitant of Newark, and shall preside until the next annual election thereafter; and in case of the death, resignation or inability to serve, of the president or any director of said company, such vacancy or vacancies may be filled for the remainder of the term, by such person as the board of directors may appoint; and in case of the absence of the the president, the board of directors shall have power to appoint a president pro. tem. who shall exercise all such powers and duties as the by-laws of said company may provide; *Provided,* that the president of the said company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

President to be chosen.

Vacancies supplied.

Sec. 7. *And be it enacted,* That the board of directors for the time being, shall have full power to appoint a secretary, and such other officers as may be requisite for effecting the business of the said company, and also to allow them respectively, such compensation for their services, as may, in their judgment be deemed reasonable.

Directors to appoint officers.

Sec. 8. *And be it enacted,* That Elias Vanarsdale, junior, Zephaniah Drake, William Stevens, Jacob K. Mead, and Moses Bigelow, be appointed commissioners, to take in sub-

Commissioners to receive subscriptions.

scriptions to the capital stock of this company; that the subscription books be opened by the commissioners aforesaid, at Newark, first giving notice thereof for two weeks, in the papers printed at Newark, and shall continue open from day to day, (Sundays excepted) for eight days, unless the whole capital stock shall be sooner subscribed.

Description of
property which
may be insured.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said company to insure houses, buildings of any description, and personal property of whatsoever kind, against loss by fire; also, ships, steamboats or other vessels and the property contained therein, against loss or damage by fire or other casualty; and the said company shall be liable for all loss sustained by fire or other casualty, agreeably to and on such terms and conditions as shall be contained in the policy; and it shall and may be lawful for said company, to make insurance upon the lives of persons or beasts and to grant annuities.

Policies and con-
tracts made to be
binding on the
company.

Sec. 10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or president pro tempore, (or by such other officer as may be designated for the purpose by the by-laws of said corporation, and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent, and meaning of this act, and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested, and executed, and the business of the said company may be otherwise conducted and carried on without the presence of the whole board of directors, but by such committee or otherwise, as the said board may direct, and the same shall be binding and obligatory on the said company.

Mode of voting
at elections.

Sec. 11. *And be it enacted*, That the number of votes of each stockholder in the company, shall be estimated according to the number of shares which such stockholder may have in his own right, that is to say, for every share and not exceeding ten shares, one vote; every five shares above ten and not exceeding fifty, one vote; and for every ten shares above fifty, one vote.

Seven directors
to be chosen.

Sec. 12. *And be it enacted*, That for the well regulating and conducting of the election of directors, the president for the time being, shall previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same: and seven directors shall constitute a quorum for the transaction of business.

Sec. 13. *And be it enacted*, That the board of directors or any number of stockholders, being proprietors of at least one half of the stock, may at any time call a meeting of the

stockholders for the transaction of the business of said company, previously advertising the time and place of said meeting, for at least two weeks, in the papers printed in the town of Newark, and mentioning the object of such meeting.

How a general meeting of stockholders to be convened.

Sec. 14. *And be it enacted*, That the stock of said company shall be assignable and transferable according to such rules, and subject to such restrictions and conditions, as the board of directors may, from time to time, establish, and that the said stock shall be considered personal property.

Stock transferable.

Sec. 15. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodations in the transaction of their business; and also to take and hold any real estate or securities, bona fide mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company; and also, to proceed on the said mortgages or securities, for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee, is, or shall be authorized to do; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert into money or other personal property; *Provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds or moneys thereof, for or in any banking operations, or in the purchase or sale of any stock or funded debt created or to be erected, under any law of the United States, or of any particular state, or to emit any notes or securities, for the payment of money, except under the authority of the said company; but it shall nevertheless be lawful for the said company to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their capital stock, funds or moneys, and also to sell and transfer the same, and again to renew such investments, when, and as often as the exigencies of the said company, or due regard to its interest shall require, and also to make loans of their capital stock, funds, or moneys on bonds and mortgages, and the same to call in and reloan as occasion may render expedient.

What real estate to be held.

Provided.

Sec. 16. *And be it enacted*, That it shall be lawful for the directors of said company, to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders or their legal representatives, but the dividends shall at no time exceed the amount of clear profits made by

Dividends to be made, but capital unimpaired, or directors liable.

the company, but the capital stock shall be and remain unimpaired; and if the said directors shall, at any time, knowingly make a dividend of the capital as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them or any of them, their heirs, executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board and give further notice to the stockholders of the declaring such dividend

Annual statement to be exhibited.

Sec. 17. *And be it enacted*, That at the annual meeting for the choice of directors, a statement of the affairs and business of the company for the preceding year, shall be made out, and shown for the general satisfaction of the stockholders.

Oath of directors and secretary.

Sec. 18. *And be it enacted*, That each director and secretary, shall, before he enters on the duties of his office, take the following oath or affirmation, (as the case may be,) I, _____ do swear, (or affirm) that I will faithfully execute the duties of _____ agreeably to the provisions of this act, and the trust reposed in me, to the best of my skill and understanding.

One per cent. paid into treasury.

Sec. 19. *And be it enacted*, That the said company shall pay into the treasury of this state, one quarter of one per centum per annum on the capital stock paid in, to commence three years after the said company shall go into operation, which said amount shall be paid in, under the oath or affirmation of the president and the secretary thereof.

Books open to inspection of stockholders.

Sec. 20. *And be it enacted*, That the said company shall cause to be kept at their office, proper books of accounts, in which shall be fairly and truly entered, all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Limitation.
Act may be altered or repealed.

Sec. 21. *And be it enacted*, That this act shall continue in force for the space of thirty years; but it shall and may be lawful for the legislature at any time hereafter, to alter, amend, or repeal the same.

Passed February 17, 1834.

AN ACT to divorce Eliza Ward from her husband Nathan F. Ward.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between Eliza Ward, of the township of Newark, in the county of Essex, and Nathan F. Ward, is hereby fully and absolutely dissolved, and rendered null and void.

Passed February 16, 1834.

AN ACT to enable the owners and possessors of salt meadow, lying between the Paterson and Hudson river railroad and the old dyke, known by the name of Smith's dyke, in the county of Bergen, to erect and maintain sluices and water works sufficient to prevent the tide from overflowing the same.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the owners and possessors of salt meadows, lying between the Paterson and Hudson river railroad, and the old dyke, known by the name of Smith's dyke, in the county of Bergen, shall and may meet at the house of Henry Ryker, in the township of Bergen, on the first Monday in May next, at three o'clock in the afternoon of said day, and yearly thereafter, on the first Monday in May of every year, then and there, by a plurality of votes of the said owners or possessors present, personally, or by proxy, as by law hereinafter directed, to choose out of the owners, three managers for the ensuing year, or until others shall be chosen in their places; and in the case of the death, removal, inability or refusal of the said officers, or either of them to serve, it shall be lawful for any three of the owners or possessors, by public advertisement under their hands, to set up in six of the most public places in the township of Bergen, giving fifteen days notice, to call a meeting of the said owners and possessors, at the place where the annual meeting was held, and then and there, by vote, as hereinafter directed, choose one or more managers, as the case may require, who shall serve until the next annual meeting, or until others are chosen in their stead.

Managers to be chosen.

First managers. Sec. 2. *And be it enacted,* That Henry D. Van Win Abel I. Smith and Hartman Van Wagner, are hereby pointed managers, from and after the passing of this act, manage, assess, and take charge of the aforesaid meadows, shall hereinafter be determined, until others are chosen their stead.

Mode of voting for officers. Sec. 3. *And be it enacted,* That in all cases of an elect of officers, or for other purposes, the mode of voting shall in person, or by proxy, in writing duly executed, or guardian, for his ward or wards, in the following rate: every person owning or possessing ten acres, or any quantity less than ten acres, shall be entitled to one vote; and every person owning ten acres, and not exceeding sixty acres, one vote for every ten acres, and one vote for every additional twenty acres, though not in all to exceed ten votes in own right; and all joint tenants and tenants in common, each owner thereof, shall be entitled to one vote in like manner as abovesaid, to the extent of his or her individual interest.

Managers to be furnished with amount of acres owned by each. Sec. 4. *And be it enacted,* That each owner or possessor shall, within thirty days after the passing of this act, on notice being given, furnish the managers with a statement in writing, containing a correct account of the number of acres he or she owns or possesses within the limits above described, and if any neglect or refuse so to do, then the said managers shall report the quantity which they shall suppose him, her or them to possess upon due inquiry.

Certain sluices and flood-gates may be renewed, &c. Sec. 5. *And be it enacted,* That whereas the Paterson and Hudson River Railroad Company, by the consent and request of the owners of the meadows within the limits aforesaid for the mutual benefit of all parties interested, have in a line of their road filled up the Pinchorn creek, and allowed the said owners to place two sluices and flood-gates there for draining said meadows, and have also for the same purpose, allowed them to put a sluice and flood-gate under their road at Mill Creek—*therefore be it further enacted* That the aforesaid managers, and their successors, may, from time to time, as it shall become requisite, amend, repair and renew the said sluices and flood-gates; *Provided,* that in doing, no improper injury shall be done to the said railroad nor any unnecessary interruption be caused in the travel upon said road.

Previous.

Sec. 6. *And be it enacted,* That it shall and may be lawful for the said managers, or any two of them, and they are hereby authorized and empowered to assess and collect from the several owners or possessors of meadows, within the aforesaid bounds, such sum or sums of money as may be necessary to defray the expense of making and completing such sluices and flood-gates as are already made, or may hereafter

be made ratably in proportion to the quantity each owner or possessor may have.

Sec. 7. *And be it enacted*, That the said managers shall, from time to time, at least once in every three months, inspect or examine the sluices or flood-gates erected, or made for the benefit of the owners of the said meadows, and shall cause or procure to be made, all such repairs and amendments, as to them, or a majority of them, shall seem requisite; and for the defraying the expense thereof, shall assess in manner as aforesaid, and recover as is hereinafter directed.

To examine and repair sluices and flood-gates.

Sec. 8. *And be it enacted*, That it shall and may be lawful for the said managers, and they are hereby authorized and empowered to dig and take for the purposes aforesaid, any earth, marsh, mud or sod in any part of said meadow, most convenient and least detrimental to the owners thereof; and also, to employ workmen to make and construct the aforesaid works, and to purchase the materials for the purposes aforesaid; and to have free ingress and egress for themselves, their teams and workmen through any part thereof.

To procure materials for repair from any part of the meadow.

Sec. 9. *And be it enacted*, That if any of the owners or possessors shall refuse or neglect to pay any sum or sums of money assessed as aforesaid, for the space of thirty days after notice to him, her or them given, or left at their usual place of abode, it shall and may be lawful for the said managers, or any two of them, in their own names, to recover the amount thereof in an action of debt, in any court having cognizance thereof, and to give the said assessment and this act in evidence.

Amount of assessment may be recovered from owners.

Sec. 10. *And be it enacted*, That the managers appointed by virtue of this act, and those that shall hereafter be chosen, shall be entitled to one dollar per day, for each and every day, they or either of them respectively, shall be employed in discharging the duties herein enjoined.

Pay of managers.

Sec. 11. *And be it enacted*, That the said managers shall provide, at the expense of the said meadow owners and possessors, a suitable book, in which shall be entered all assessments made and collected by the managers aforesaid, and shall, at every annual meeting, produce and lay before the voters, the same for their inspection; and shall also provide at the expense aforesaid, another book, in which the said managers shall enter all their proceedings, and a just and true account of all the money they may receive and spend, and shall, at every annual meeting, exhibit the same, with their vouchers, to the voters, and shall deliver over all moneys, if any in their hands, together with the said books, and all other papers belonging to them as managers, to their successors, and on default thereof, and for every wilful neglect of any part of their several duties prescribed by this act, they, the said managers, shall forfeit and pay for a breach of their

Managers to keep books of account.

Penalty for neglecting duty.

trust, and such wilful neglect of their duty, the sum of twenty dollars, to be recovered by action of debt, in any court having competent jurisdiction, with costs of suit, by either or any of the owners or possessors aforesaid; and the said managers shall be accountable for any money remaining in their hands at the end of every year; and if they refuse to pay over such balance to their successors, then, and in that case, their successors in office shall sue for and recover the same, in an action of debt, with costs of suit, in any court having competent jurisdiction.

Penalty for injuring sluices or gates.

Sec. 12. *And be it enacted*, That if any person shall wilfully damage or injure the said sluices or gates, constructed as heretofore directed, he, she or they shall, for every such offence, forfeit and pay fifty dollars, to be recovered with costs of suit, in any court having competent jurisdiction; and the managers, for the time being, are enjoined and authorized to prosecute said action, in their names, or in the names of any two of them, and to apply the money, so recovered and received, to repairing the work so injured.

When sluice-gates may be left open.

Legislature may alter or repeal this act.

Sec. 13. *And be it enacted*, That if in the opinion and judgment of the majority of the owners in value of the said marsh, it would be more beneficial to the meadows, within the said tract, to leave open, during the winter or other season of the year, the sluice-gates, then, and in that case, it shall and may be lawful for the said managers so to do; *provided always*, it shall and may be lawful for the legislature of this state, at any time hereafter to alter, modify or repeal this act whenever in their opinion the public good shall require it.

Passed February 18, 1834.

AN ACT to declare the boundary line between the townships of Frankford and Wantage, in Sussex county.

Boundary line.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the boundary line between the townships of Frankford and Wantage, shall begin at the southeast corner of Joseph Dennis' plantation, which is now the reputed beginning corner of said townships, designated by a heap or pile of stones, on a course south six degrees and thirty minutes west, distant nine chains and seventy eight hundredths, from the south corner of Jesse Dennis' dwelling-house; also, on a

course south sixty-nine degrees and fifteen minutes east, distant eight chains and seventy-nine hundredths, from the south east corner of John Clay's dwelling-house, and also on a course seventy-two degrees and fifteen minutes east, from the southeast corner of Obadiah Pellet's dwelling-house; the east corner of Beemer meeting house, bearing north nineteen degrees thirty minutes east, and the west corner of Deckertown meeting-house, bearing north forty degrees fifteen minutes east; and from the aforesaid heap or pile of stones, bearing north thirty-two degrees west, till it arrives at the Blue Mountain, to what is called the White Rocks, so on till it arrives at the northwesterly boundary of the said townships of Frankford and Wantage; *provided always nevertheless*, that this act shall not affect any taxes or assessments heretofore made or imposed, but the same shall be collected and applied in the same manner, as if this act had not passed.

Sec. 2. *And be it enacted*, That an act entitled "An act to declare the boundary line between the townships of Wantage and Frankford, in Sussex county," passed November sixth, eighteen hundred and twenty-six, be, and the same is hereby repealed. Repeal of former act.

Passed February 18, 1834.

A FURTHER AND ADDITIONAL SUPPLEMENT to the act entitled "An act to incorporate the Georgetown and Franklin Turnpike Company," passed February fifteenth, eighteen hundred and sixteen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That William T. Rogers, Robert Bayles and John Gulick, Esquires, be, and they are hereby appointed commissioners in the room of the commissioners named in an additional supplement to the act entitled "An act to incorporate the Georgetown and Franklin Turnpike Company," which said additional supplement was passed February the twenty-fifth, eighteen hundred and twenty-eight; and the said commissioners herein named, are hereby authorized to alter the width of the whole, or any part of the said road, named in and authorized to be altered by said additional supplement, as to them shall appear expedient, and that they make report as directed by the original act to which this is a supplement; Commissioners to alter the width of the road.

and that the Governor, or person administering the Government, or person administering the government of this state for the time being, be authorized to fill any vacancy that may hereafter occur among the said commissioners by death or otherwise.

Width of bridges
may be increased.

Sec. 2. *And be it enacted*, That the said company are hereby authorized hereafter, to build their bridges at one half the width named in the original act, to which this is a supplement.

Parts of acts
repealed.

Sec. 3. *And be it enacted*, That so much of the original act and supplements thereto, as comes within the purview of this act, be, and the same is hereby repealed.

Passed February 18, 1834.

AN ACT to incorporate "The Mechanics and Manufacturers Bank," at Trenton.

Style of incorporation.

Powers.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Samuel S. Stryker, William Potts, Edward S. M'Ilvane, Henry W. Green, Joseph A. Yard and William A. Benjamin, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact by the name and style of "The Mechanics and Manufacturers Bank," at Trenton; and by that name they and their successors, may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and may have a common seal, and may change, alter and renew the same at pleasure, and by that same name shall be, and are hereby made capable in law, of purchasing, holding and conveying any estate real or personal, for the use of the said corporation; *Provided* that the said corporation shall in no case be owner of any ships or vessels, or directly trade or deal in any thing except bills of exchange, promissory notes, gold or silver bullion, public stocks, and such ships and vessels, goods, wares and merchandise, as shall be truly pledged to them by way of security for debts due, owing or growing due to said corporation, or purchased to secure such debts, or on the sale of goods, which shall be the produce of its land; *Provided also*, that the rea-

estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation, for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security for loans, for contracts made, or conveyed to it, in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgment for the purpose of bona fide securing any debt or debts due to the said corporation.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred and fifty thousand dollars, at any time during the continuance of the charter; and that the subscription to the said capital stock be received by Ebenezer P. Rose, Charles Parker, Stacy A. Carson, William Grant and Joseph Wood; which said commissioners, or a majority of them, shall open books of subscription at Trenton, and the said books shall be kept open for the space of five days, giving twenty days previous notice in the newspapers published at Trenton; and upon the closing of the said books of subscription, or within five days thereafter, the said commissioners shall pay over to the directors hereinafter appointed, the whole amount of money which they or any of them may have received upon the said subscriptions.

Amount of capital stock.

Commissioners to receive subscriptions.

Sec. 3. *And be it enacted*, That the affairs, property and concerns of the said corporation shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be stockholders and citizens of the United States, and of this state, and of whom, at least eight, together with the president, shall have been resident within the townships of Trenton or of Nottingham, for at least one year immediately preceding their election; which directors shall hold their offices for one year, and shall be elected on the second Tuesday in April, in every year, in the banking house, at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the newspapers printed in the city of Trenton; for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for, are eligible to be elected directors, and after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in per-

Directors to be appointed, &c.

President to be
chosen.

First directors.

No discounts to
be made without
one good endor-
ser.

Powers and du-
ties of directors.

son or by proxy, and each stockholder shall be entitled to one vote for each share of stock which he, she or they shall have held, in his, her or their names, at least three months before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen at an election, that two or more persons shall have an equal number of votes, then the said directors in office, at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes, to determine which of the persons so having an equal number shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation or otherwise, such vacancies or vacancies shall be filled for the remainder of the year, by such person or persons as the remainder of the directors at the time being, or a majority of them shall appoint, and the Stacy G. Potts, Edward S. M'Ilvaine, Samuel R. Hamilton, George Dill, Anderson Lalor, Henry W. Green, Charles Parker, Samuel McClurg, Jasper S. Scudder, John McKenney, Robert Chambers, John A. Weart and Joseph Wood shall be directors, and shall hold their offices respectively until the second Tuesday in April, in the year of our Lord one thousand eight hundred and thirty-five, and until others shall be chosen by the stockholders.

Sec. 4. *And be it enacted*, That seven directors shall constitute a quorum for the transaction of business, except cases of discount, which shall be regulated by the by-laws of the corporation; *Provided*, that no discount shall be made of any note or notes, bill or bills, without at least one good endorser.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the government of the said corporation, the management and disposition of the stock, business and effects thereof; the time, manner and terms, and upon which discounts and deposits shall be made and received by the said corporation; the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said corporation, and shall have power to appoint as many officers, clerks and servants, for carrying on said business, and with such salaries or allowance as to them shall seem meet; *Provided always*, that such by-laws, rules and regulations, shall not be repugnant to the provisions of

requirements of this charter, or to the constitution and laws of the United States, or of this state.

Sec. 6. *And be it enacted,* That the cashier of the said bank shall be annually appointed: and that upon the appointment or re-appointment of said cashier, he shall take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security in the penal sum of fifty-thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank.

Cashier to be appointed.

Sec. 7. *And be it enacted,* That the said corporation shall not issue bills of a less denomination than one dollar: and that the stock of the said corporation shall be considered as personal property; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes, as all other banking institutions in this state are liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed: and each and every person subscribing to the capital stock of the said bank, shall pay at the time of subscribing, to the commissioners receiving subscriptions, the sum of five dollars upon every share so by him subscribed: and the directors of said company may require payments for the remaining instalments, which shall have been subscribed, at such times, and in such proportion as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon: and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least thirty days in two of the newspapers printed in the city of Trenton: *Provided,* that no instalment to be paid at any one time shall exceed five dollars on a share.

Stock personal property, and subject to taxation.

Sec. 8. *And be it enacted,* That no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe, over and above the actual deposits in said bank, whether by bond, bill, note or other contract, shall not exceed double the amount of the capital paid in.

Stock a lien for debts due corporation.

Sec. 9. *And be it enacted,* That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable, by endorsement thereon, under the hand of such person or persons, his, her, or their assignee, or assignees successively, and so as to enable such assignee to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation,

Bills and notes assignable by endorsement.

Provide,

signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect as upon any private person or persons, if sued by him or them, in their private and natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation; *Provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order, shall be deemed and taken to be payable and demandable at the office of said banking company.

Semi-annual dividends to be made.

Sec. 10. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual dividends, of so much of the profits of said banking company as to them or a majority of them shall seem advisable; but that they shall make no dividends of any part of the capital stock.

Rate of discount.

Sec. 11. *And be it enacted*, That the rate of discount on which loans may be made, by the said corporation, shall not exceed the legal rate of interest of this state, for the time being; *Provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof.

Annual statement to be laid before the legislature.

Sec. 12. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie in hand; and if the said president and cashier shall fail to do the same, for the space of three years together, that then and from thenceforth the charter and all the privileges hereby conferred, shall cease and be forever at an end.

On failure to redeem notes in specie, banking operations to be discontinued.

Sec. 13. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company shall neglect or refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money, any of the bills, notes or other evidences of debt issued by the said corporation, and which shall be due and payable, the said president, directors and company, shall, on pain of forfeiture of the charter, wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said company shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-

payment thereof at and after the rate of ten per centum per annum, from the time of such demand and until the same be paid, or otherwise satisfied; and the president and directors of said corporation, shall individually and jointly, and severally, be liable to every creditor, for the payment of any bills, obligatory or of credit, note or notes, that they or any of them, may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees and number of the said bills or notes so demanded, and payment whereof hath been neglected or refused; and upon judgment being rendered, execution shall issue thereon.

President and directors individually responsible.

Sec. 14. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills, until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to this act.

Affidavit of stock paid in, to be filed.

Sec. 15. *And be it enacted*, That this act shall be, and continue in force, until the first day of January, one thousand eight hundred and fifty-five, and no longer; and further, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify or repeal this act, whenever, in their opinion, the public good requires it.

Expiration of act.

Passed February 19, 1834.

AN ACT to set off a new township, from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all those parts of the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, lying and being within the following limits, viz: beginning at the old dock, on Bound Creek, thence running along the edge of the Salt Marsh, to the most easterly point of a lot of land belonging to the

Boundaries of the township of Clinton.

First managers. Sec. 2. *And be it enacted,* That Henry D. Van Winkle, Abel I. Smith and Hartman Van Wagner, are hereby appointed managers, from and after the passing of this act, to manage, assess, and take charge of the aforesaid meadows, as shall hereinafter be determined, until others are chosen in their stead.

Mode of voting for officers. Sec. 3. *And be it enacted,* That in all cases of an election of officers, or for other purposes, the mode of voting shall be in person, or by proxy, in writing duly executed, or by guardian, for his ward or wards, in the following ratio: every person owning or possessing ten acres, or any quantity less than ten acres, shall be entitled to one vote; and every person owning ten acres, and not exceeding sixty acres, one vote for every ten acres, and one vote for every additional twenty acres, though not in all to exceed ten votes in his own right; and all joint tenants and tenants in common, each owner thereof, shall be entitled to one vote in like manner as abovesaid, to the extent of his or her individual interest.

Managers to be furnished with amount of acres owned by each. Sec. 4. *And be it enacted,* That each owner or possessor shall, within thirty days after the passing of this act, due notice being given, furnish the managers with a statement, in writing, containing a correct account of the number of acres he or she owns or possesses within the limits above described, and if any neglect or refuse so to do, then the said managers shall report the quantity which they shall suppose him, her or them to possess upon due inquiry.

Certain sluices and flood-gates may be renewed, &c. Sec. 5. *And be it enacted,* That whereas the Paterson and Hudson River Railroad Company, by the consent and request of the owners of the meadows within the limits aforesaid, for the mutual benefit of all parties interested, have in the line of their road filled up the Pinchorn creek, and allowed the said owners to place two sluices and flood-gates therein for draining said meadows, and have also for the same purpose, allowed them to put a sluice and flood-gate under their road at Mill Creek—*therefore be it further enacted,* That the aforesaid managers, and their successors, may, from time to time, as it shall become requisite, amend, repair and renew the said sluices and flood-gates; *Provided,* that in so doing, no improper injury shall be done to the said railroad, nor any unnecessary interruption be caused in the travel upon said road.

proviso.

Sec. 6. *And be it enacted,* That it shall and may be lawful for the said managers, or any two of them, and they are hereby authorized and empowered to assess and collect from the several owners or possessors of meadows, within the aforesaid bounds, such sum or sums of money as may be necessary to defray the expense of making and completing such sluices and flood-gates as are already made, or may hereafter

be made ratably in proportion to the quantity each owner or possessor may have.

Sec. 7. And be it enacted, That the said managers shall; from time to time, at least once in every three months, inspect or examine the sluices or flood-gates erected, or made for the benefit of the owners of the said meadows, and shall cause or procure to be made, all such repairs and amendments, as to them, or a majority of them, shall seem requisite; and for the defraying the expense thereof, shall assess in manner as aforesaid, and recover as is hereinafter directed.

To examine and repair sluices and flood-gates.

Sec. 8. And be it enacted, That it shall and may be lawful for the said managers, and they are hereby authorized and empowered to dig and take for the purposes aforesaid, any earth, marsh, mud or sod in any part of said meadow, most convenient and least detrimental to the owners thereof; and also, to employ workmen to make and construct the aforesaid works, and to purchase the materials for the purposes aforesaid; and to have free ingress and egress for themselves, their teams and workmen through any part thereof.

To procure materials for repair from any part of the meadow.

Sec. 9. And be it enacted, That if any of the owners or possessors shall refuse or neglect to pay any sum or sums of money assessed as aforesaid, for the space of thirty days after notice to him, her or them given, or left at their usual place of abode, it shall and may be lawful for the said managers, or any two of them, in their own names, to recover the amount thereof in an action of debt, in any court having cognizance thereof, and to give the said assessment and this act in evidence.

Amount of assessment may be recovered from owners.

Sec. 10. And be it enacted, That the managers appointed by virtue of this act, and those that shall hereafter be chosen, shall be entitled to one dollar per day, for each and every day, they or either of them respectively, shall be employed in discharging the duties herein enjoined.

Pay of managers.

Sec. 11. And be it enacted, That the said managers shall provide, at the expense of the said meadow owners and possessors, a suitable book, in which shall be entered all assessments made and collected by the managers aforesaid, and shall, at every annual meeting, produce and lay before the voters, the same for their inspection; and shall also provide at the expense aforesaid, another book, in which the said managers shall enter all their proceedings, and a just and true account of all the money they may receive and spend, and shall, at every annual meeting, exhibit the same, with their vouchers, to the voters, and shall deliver over all moneys, if any in their hands, together with the said books, and all other papers belonging to them as managers, to their successors, and on default thereof, and for every wilful neglect of any part of their several duties prescribed by this act, they, the said managers, shall forfeit and pay for a breach of their

Managers to keep books of account.

Penalty for neglecting duty.

perty and distribution of poor, as is by this section prescribed, and a decision of a majority of those present shall be final and conclusive.

Time and manner of division of property, and of poor, &c.

Sec. 5. *And be it enacted*, That the town committees of each of the said townships of Orange, Elizabeth, and Union, singly, and for the township it represents, shall meet the town committee of the said township of Clinton, at such time and place as shall be designated by the town committee, of the township of Clinton, ten days previous notice being given of the time and place of such meeting to the town clerks of said townships of Orange, Elizabeth and Union, respectively, and at such meeting the two committees so convened, shall proceed by writing, signed by a majority of those present, to allot, divide, and assign, to the said township of Clinton, its just proportion of the property and surplus moneys of the other townships then represented in that meeting, upon principles similar to those prescribed in the preceding section for the division of property, between the townships of Newark and Clinton, and also to make distribution of the poor, in the manner prescribed in the preceding section, for distributing the poor, between the townships of Newark and Clinton, the decision of a majority of the members of such two town committees so convened, who shall attend such meeting, to be final and conclusive: *Provided*, that the township of Clinton shall not be entitled to receive from either of the townships of Orange, Elizabeth or Union, any portion of the value of the real estate of the said several townships, except their poor house farms.

Part of former act repealed.

Sec. 6. *And be it enacted*, That so much of the act entitled "An act to establish and confirm the charter, rights and privileges of the borough of Elizabeth," passed the twenty-eighth day of November, seventeen hundred and eighty-nine, and of all subsequent acts, relating to said borough so far as the said acts relate to that part of the said borough, included within the limits of the said township of Clinton be, and the same are hereby repealed.

When act to take effect.

Sec. 7. *And be it enacted*, That this act shall take effect on and after the second Monday of April next.

Passed February 19, 1834.

AN ACT relating to bridges, in Burlington, and Somerset.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

same, That from and after the passing of this act, it shall not be lawful for any person or persons, to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or ride, lead or drive any horse or horses, mule or mules, or any description of cattle, over or upon any truss or lattice bridge, (or any bridge, the arch of which is constructed of wood) at a faster gait than a walk, such bridge or bridges being in the counties of either Burlington or Somerset, and every person or persons so offending, shall forfeit and pay the sum of five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person being a member of the board of chosen freeholders of the county in which any such bridge or bridges may be, for the use of said county; *Provided always,* That this act shall not apply to any physician or person going for any physician, or to any person riding express by order of any public officer of this state, or of the United States, or to any person pursuing a fugitive fleeing from justice; *And provided further,* That the board of chosen freeholders respectively, of each of said counties, shall cause to be fixed up at each end of such bridge in their counties respectively, in some conspicuous place, in plain letters, five dollars fine, for travelling over this bridge at a faster gait than a walk; and on neglect of such notice the fine aforesaid shall not be incurred.

Truss bridges in Burlington and Somerset, not to be driven over at a faster gait than a walk.

Proviso.

Sec. 2. *And be it enacted,* That if any person or persons shall wilfully deface such letters or any of them as aforesaid, he, she or they, so offending, shall forfeit and pay five dollars, to be recovered in the manner directed by the first section of this act, for the use of said county.

Penalty for defacing sign.

Passed February 20, 1834.

AN ACT to incorporate the Trenton Manufacturing Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Dr. John Wilson, Zachariah Rossell, Joseph B. Dorrence, William P. Sherman, and their associates, and their successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Trenton Manufacturing Company," and shall have power to raise by subscription, in shares of one hundred dollars each, a capital

Style of incorporation.

Directors to be
appointed.

Forfeiture of
stock on failure
to pay instal-
ments.

Mode of elec-
tion of directors.

of two hundred and fifty-thousand dollars; and as soon as five hundred shares shall be subscribed, the individuals above named or any three of them, may by public notice of thirty days, given in one or more of the public newspapers printed in the city of Trenton, call a meeting of the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy, the said individuals above named, or any three of them, to be inspectors and judges of such first election; and the said directors when elected, shall choose out of their number, a president; and the directors of the said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders, for electing directors of said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors shall continue in office until such election be complete, and shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state or the United States; and shall also have power to call in said stock from time to time, in such instalments as they shall think necessary, not exceeding ten dollars on each share, by giving public notice as aforesaid, and to declare forfeited to the said company, the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *Provided*, previous notice of thirty days shall have been given to each delinquent stockholder.

Sec. 2. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the directors for the time being of said company, shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, that then upon such neglect or refusal, the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice, and call such meeting, and elect directors in like manner, as if the said directors had given notice as by this act is required; and if at any election for directors, two or more persons voted for, shall receive an equal number of votes, then the directors for the time being, shall determine by ballot which of the said persons, so having an equal number of votes, shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose, from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be complete.

Sec. 3. *And be it enacted*, That the said directors, before they enter upon the duties of their office, shall severally

take and subscribe an oath or affirmation, faithfully and honestly to promote the interests of the said company—and they may appoint a secretary, treasurer, and such other officers and agents as they may from time to time deem necessary or useful, with such compensation as they may think adequate; and require from such officers or agents, as well an oath or affirmation of fidelity, as such bonds and security for their good conduct as may to them appear reasonable and proper.

Directors to
make oath.

Sec. 4. *And be it enacted*, That the said company may, for the purpose of promoting the manufacture of such articles, which are not prohibited by the laws of this state, buy, rent, take and hold, or otherwise become seized and possessed of and hold, all such lands, tenements and water power, and other real and personal estate, in the city of Trenton, and within two and a half miles of said city, as may be necessary and useful for the purposes aforesaid, and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; *Provided*, that they shall occupy none of the public streets, lanes or alleys of the said city, with their said improvements, without previously procuring the consent of the common council thereof, regularly expressed by ordinance; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Company may
hold real estate.

Sec. 5. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the said directors, among the stockholders, and the books of the said company shall at all times be open for the inspection of the said stockholders; *Provided*, that no dividends be made except from the actual projects of said company.

Semi-annual di-
vidends to be
made.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable upon the books of said company; and that no part of the fund of the company shall be used for banking purposes.

Stock not to be
used for bank-
ing.

Sec. 7. *And be it enacted*, That the president and directors of said company shall, in their individual capacity, and jointly and severally, be and continue liable to every creditor of said company, for the payment of all bills obligatory or of credit, note or notes, that they or any of them may issue and circulate, and upon demand of payment being made at the usual place of doing business, and refusal thereof, an action may be brought against the president and directors of the said company, in their individual capacities, and jointly or severally; and it shall be lawful for the plaintiff or plaintiffs, to

President and
directors indivi-
dually responsi-
ble to creditors.

declare therein generally, for money had and received, with a specification of the dates, sums, payees and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue.

Limitation.

Legislature may alter or repeal this act.

Sec. 8. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred and sixty-four, and no longer; and that during that time, upon any departure from, or violation of, the provisions of this act, the legislature may repeal, alter, or modify the same, as in their opinion the public good may require.

Passed February 20, 1834.

AN ACT for the relief of Colonel David Hay.

Preamble:

WHEREAS, it appears that Colonel David Hay, of the county of Monmouth, in the year one thousand seven hundred and seventy-eight, furnished, agreeably to contract, fifty hats for the use of a detachment of the United States Troops, a part of the New-Jersey Levy; that on the delivery of the hats, he was, by the officer who commanded the detachment, referred for payment to the Clothier General, but the cities of New-York and Philadelphia being both, at the time, in the possession of the British, and the American army constantly in motion, he was consequently unable to present his accounts to the Clothier General, who soon after died; that he was actively employed in the service of his country, during the revolutionary war; that he was appointed first lieutenant in seventeen hundred and seventy-four, joined the American army, a volunteer, and continued in the service until after the battle of Monmouth, in which he was engaged, by reason whereof, he was prevented at the time from obtaining the liquidation and payment of his claim, at any of the public offices to which he was directed to apply, although he was, for a series of years, unremitting in his exertions and application to obtain the same; and now by his petition, praying relief from the legislature of New-Jersey, and it appearing just and reasonable that the said Colonel David Hay, should have relief in the premises—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the treasurer of this state be, and he is hereby authorized to pay to the said Colonel David Hay, or to his order, the sum of two hundred dollars, in full satisfaction and discharge of the before mentioned claim; and the receipt of the said Colonel David Hay, or his order, shall be a sufficient voucher for the treasurer therefor in the settlement of his account.

Two hundred dollars to be paid.

Passed February 20, 1834.

AN ACT to revive and amend the act entitled "An act to encourage and regulate the planting of oysters, in the township of Perth Amboy."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same, That the act entitled "An act to encourage and regulate the planting of oysters, in the township of Perth Amboy," passed the twenty-fifth day of November one thousand eight hundred and twenty-four, except so far as the same may be altered by the provisions of this act, be, and the same is hereby revived in full force and effect, and extended for a further term of ten years.

Act of eighteen hundred and twenty-four revived.

Sec. 2. And be it enacted, That the sum or sums of money mentioned in the fifth section of the said act, and directed to be paid to the county collector of the county of Middlesex, shall be hereafter paid, on or before the twentieth day of January annually, to the township collector of the township of Perth Amboy, for the use of the state of New-Jersey; and it shall be the duty of the said township collector to collect and receive, and, if need be, to sue for and recover the same, for which service he shall be entitled to charge at the rate of five per cent. upon the amount of moneys so collected and received by him, and the balance pay over to the treasurer of the state; *Provided*, that the sum or sums to be paid annually at the commencement of each year, by the person or persons making and staking off any part or portion of the shores or land covered with water, described in the said act, shall not be less than four nor more than ten dollars per acre, at the discretion of the commissioners hereinafter named.

Moneys to be paid to township collector.

Compensation of collector.

Previous.

Necessary improvements to be made.

tion of the stoppings, floodgates, sluices and other water works, and may make such improvements thereon as may be deemed necessary, and for the defraying the expense thereof, shall assess and collect as hereinafter directed.

The marsh of persons failing to pay assessments, may be leased.

Sec. 9. *And be it enacted*, That if any of the said owners or possessors, shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of three months after notice to him, her or them, given or left at the usual place of their abode, in writing, it shall and may be lawful for the said managers or a majority of them, on ten days notice being given by public advertisement, set up in three of the most public places in the neighborhood of said marsh, to sell at public vendue, so much grass as may be on said owners or possessors marsh, as will be sufficient to discharge such demand; but if the grass on the marsh shall not be sufficient to satisfy the same, then to lease at public vendue as aforesaid, so much of the marsh of such owner or possessor, as will be sufficient to discharge such demand, with reasonable cost, to any person who will pay such demand, for the shortest term; and it shall be lawful for such managers to make and execute a lease to such purchaser for such term, which said lease shall be good and effectual in law, and shall vest the possession thereof in the purchaser, and bar the owner and all others during the term.

Assessment book and books of accounts exhibited annually, but always open to inspection.

Penalty for neglect of duty.

Sec. 10. *And be it enacted*, That the said managers shall provide, at the expense of the said company, a suitable book, in which shall be entered all assessments made and collected by the managers aforesaid, and shall at every annual meeting, produce and lay before the said company the same, for the inspection of the different members, and shall produce and show the same to any of the said members at any reasonable time when thereto required; and shall also provide at the expense aforesaid, another book, in which the said managers shall enter all their proceedings, and a just and true account of all the money they may receive and expend, and shall at every annual meeting produce and lay the same before the said company, with fair vouchers, for all the moneys by them received and expended by virtue of this act, and shall deliver the balance, if there is any remaining in their hands, together with the said books and all other necessary papers, to their successors; and on default thereof, and every wilful neglect in any part of their several duties, prescribed by this act, they the managers, shall forfeit and pay for a breach of their trust, and such wilful neglect of their duty, in an action of trespass, in any court of competent jurisdiction, the sum of fifteen dollars, and also pay all damages that may arise by their negligence, to be sued for and recovered by any member of the company who shall be aggrieved or injured by such negligence of the said managers, in and with the above action of trespass, and said managers shall be accountable for

any money remaining in their hands at the end of every year, and if the said managers shall refuse to pay such balance in their hands to their successors, then their successors shall sue for and recover the same in an action of debt, with costs of suit.

Sec. 11. *And be it enacted*, That if any person shall wilfully do any injury or damage to the said dams, stoppings, floodgates, sluices, or any of the works authorized by this act, he, she, or they, shall for every such offence, forfeit and pay twenty dollars, together with all damages, to be sued for and recovered in an action of trespass, in any court, or before any justice having cognizance of the same, with costs of suit, to be applied to repairing said works so injured, and the managers for the time being, are hereby enjoined and authorized to prosecute the same. Penalty for injuring works.

Sec. 12. *And be it enacted*, That the managers chosen by virtue of this act, shall be entitled to one dollar per day, for each and every day, they or either of them respectively, shall be employed in discharging the duties herein enjoined. Pay of managers

Passed February 22, 1834.

AN ACT to authorize the chosen freeholders of the county of Cumberland, to build a bridge over Cedar creek, in Downe township.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the board of chosen freeholders of the county of Cumberland, be, and they are hereby authorized, to build and maintain a good and sufficient bridge over Cedar creek, at the place where the public road laid out on the ninth day of December, eighteen hundred and thirty-three, leading from Port Elizabeth, in the township of Maurice river, to Dividing creek, in the township of Downe, crosses the said creek.

Passed February 24, 1834.

AN ACT to repeal a part of the third section of an act entitled "An act to authorize the chosen freeholders of the county of Cumberland, to build a draw bridge over Cohansey Creek."

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That so much of the third section of an act, passed January the twenty-sixth, eighteen hundred and thirty-three, to authorize the chosen freeholders of the county of Cumberland to build a draw bridge over Cohansey Creek, at the town of Bridgeton, as has reference to any person or persons, driving any wagon or cart, sled or sleigh, or any other kind of carriage or vehicle, or ride, lead or drive any horse, horses, mule or mules, or any description of cattle, over or upon said bridge at a faster gait than a walk, be, and the same is hereby repealed.

Passed February 24, 1834.

AN ACT to divorce Charlotte P. Antrim from her husband William N. Antrim.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Charlotte P. Antrim of the county of Salem, be, and she is hereby divorced from her husband William N. Antrim, and that the marriage contract heretofore existing between them, the said Charlotte P. Antrim, and William N. Antrim, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 24, 1834.

AN ACT to incorporate the Kingston Fire Engine Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That Phineas Withington, Elijah Stout, George Bayles, William Skillman, James Gulick, Charles Oliver, Randal Dye, John B. Story and Richard Brittan, and all such other persons, as are, or hereafter shall become associates of the Kingston Fire Engine Company be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Kingston Fire Engine Company."

Style of incorporation.

Sec. 2. *And be it enacted,* That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors respectively, may have and use a common seal, and have power to make, change and alter the same at pleasure, and by their common seal, may make, enter into, and execute, any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt, such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, as they shall think proper.

Powers.

Sec. 3. *And be it enacted,* That the capital stock of said company, shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing, and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses, as shall, to the said company, appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital, objects of incorporation.

Sec. 4. *And be it enacted,* That the said company shall have power to elect annually a president, vice-president, or secretary, and a treasurer, from their own body, and such other officers and assistants, as they shall find necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office, shall deliver it over to his successor.

Officers of company.

Sec. 5. *And be it enacted,* That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to alter, amend, modify or repeal this act, as they shall think proper.

Passed February, 24, 1834.

AN ACT to divorce Susanna Stiff, from her husband William Stiff.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Susanna Stiff, of the county of Bergen, be, and she is hereby divorced from her husband, William Stiff; and that the marriage contract heretofore existing between them, the said William Stiff, and his wife, Susanna Stiff, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 22, 1834.

AN ACT to establish a new township in the county of Hunterdon, to be called the township of Ewing.

Boundaries of
the township of
Ewing.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Trenton, in the county of Hunterdon, which lies within the boundaries and descriptions following, to wit: beginning in the middle of the channel of the Delaware river, opposite to the corner of Samuel Dickinson and Thomas Cadwalader's lands, thence up the said channel until it strikes the boundary line of the township of Hopewell, thence along the said Hopewell line until it strikes the boundary line of the township of Lawrence, thence along the said Lawrence line until it strikes the line of the city of Trenton, thence along the said Trenton city line to the place of beginning; it being all that part of Trenton township lying without the incorporated limits of the city of Trenton aforesaid; shall be, and hereby is set off, from the said township of Trenton, in the county of Hunterdon, into a separate township, to be called and known by the name of the township of Ewing; *Provided*, that this act shall not take effect and be in force until from and after the first day of March next.

Corporate name
and powers.

Sec. 2. *And be it enacted,* That the inhabitants of the said township shall be, and they hereby are constituted, a body politic and corporate, and shall be styled and known by the name of, "The Inhabitants of the township of Ewing, in the county of Hunterdon," and shall be entitled to all the rights, powers, authority, privileges and advantages, and

subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Hunterdon are, or may be entitled or subject to by the existing laws of the state.

Sec. 3. *And be it enacted*, That the inhabitants of the township of Ewing, shall hold their first town meeting at the inn of John Green, in the said township of Ewing, on the day appointed by law for holding the annual town meetings, in the other townships in the county of Hunterdon.

Time and place
of first town-
meeting.

Sec. 4. *And be it enacted*, That the town committees of the township of Trenton and the township of Ewing, shall meet on Monday after the annual town meetings, in the said township of Trenton and the township of Ewing, at the inn of Mrs. Frances Green, in the said township of Trenton, at ten o'clock in the forenoon, and shall, then and there, or as soon afterwards as may be, proceed, by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships, all property and moneys on hand, or due, in proportion to the taxable property and ratables as taxed by the assessor, within their respective limits, at their last assessment; and the inhabitants of the township of Ewing, shall be liable to pay the just proportion of the debts, if any there be.

Mode of division
of property.

Sec. 5. *And be it enacted*, That the said township committees of Trenton and Ewing, shall, at their first meeting, make such division of the paupers at that time chargeable to said townships, in proportion to the taxable property and ratables as taxed by the assessor within their respective limits at the last assessment: *Provided nevertheless*, That the paupers which may as aforesaid, be found chargeable to the said townships, shall be continued in the present pauper establishment for one year from the passage of this act, at the cost and charges of the said townships respectively.

Division of pau-
pers.

Proviso.

Passed February 22, 1834.

AN ACT to divorce Mary Denniston from her husband
Daniel Denniston.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the marriage contract between Mary Denniston of Newark, in the county of Essex, and Daniel her husband, be, and the same is hereby dissolved as fully as if they never had been joined in matrimony.

Passed February 22, 1834.

**AN ACT for the relief of Lewis Atterbury and Catharine
his wife.**

Preamble.

WHEREAS, Elisha Boudinot, late of Newark, in the county of Essex, deceased, in and by his last will and testament, bearing date the tenth day of June, eighteen hundred and nineteen, did, among other things, set forth that the deeds for the land and house occupied by his son-in-law, Lewis Atterbury, were in his name, in trust for his daughter Catharine; and that he had added to it the lot in the rear, binding on Division street, and which had been in his possession, he did thereby devise and bequeath the same to the trustees therein after named, in fee simple, in trust for his daughter Catharine Atterbury, in the same manner, in all things, as her proportion of his estate thereafter mentioned, was to be held for her use; and the said testator did afterwards in his said will, among other things, give and bequeath the shares and proportions of his said estate, which should fall or be allotted to his said daughters, Catharine Atterbury and Eliza P. Colt, to his brother, Elias Boudinot, esquire, his nephew, Richard Stockton, esquire, his brother-in-law, Stephen N. Bayard, esquire, and his son, Elias E. Boudinot, esquire, and to the survivor and survivors of them in fee simple, in trust nevertheless, to and for the particular purposes in the said will set forth; *And whereas*, an undivided share of certain other lots of land, about the town of Newark, was also devised to the said trustees, and the survivor of them in trust, for the like use of the said Catharine Atterbury, which lots have been divided pursuant to the directions of the said will, and the share devised for the use of the said Catharine Atterbury, is now held and enjoyed in severalty, except one lot set off to the said Catharine Atterbury, has been sold; *And whereas*, the said Elias E. Boudinot is now the only surviving executor and trustee of the said will, and it is represented to the legislature by the petition of the said Elias E. Boudinot, Lewis Atterbury, and Catharine his wife, that for the advancement of the said trust estate, they had sold and conveyed in a satisfactory manner, the land and house above mentioned, with the lot in the rear, binding on Division street, to Mr. Caleb H. Shipman, of Newark, aforesaid, for a considerable sum of money, secured by mortgage, to be held by the said Elias E. Boudinot, upon the same trusts as are mentioned in the said will, in respect to the said real estate; and the said petitioners have prayed the aid of the legislature in the premises:

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the sale and conveyance of the land and house,*

with the lot in the rear thereof, binding on Division street, before mentioned, by the said Elias E. Boudinot, surviving trustee as aforesaid, with the approbation of the said Lewis Atterbury and Catharine his wife, to the said Caleb H. Shipman, be, and the same is hereby confirmed to be held by the said Caleb H. Shipman, freed and discharged from the said trusts, subject nevertheless to the said mortgage, to secure the purchase money and the interest arising thereon.

Confirmation of
the sale of land.

Sec. 2. *And be it enacted,* That the said Elias E. Boudinot, surviving trustee as aforesaid, be, and he is hereby authorized to sell and convey the several lots herein before mentioned, as held in severalty, in trust, for the said Catharine Atterbury, under and by virtue of the will of the said Elisha Boudinot, and to confirm the sale of one of the said lots already made; *Provided,* that the consent of the said Lewis Atterbury, and Catharine his wife, to the said sale or sales, be contained in or endorsed on the deed or deeds of conveyance or confirmation for the same, and shall be executed or subscribed by them; *And provided,* the said deed or deeds of conveyance or confirmation, shall vest in the purchaser or purchasers, only such right, title and interest, as the said Elisha Boudinot, was seized of at the time of his death.

Trustee authorized to sell and convey lands.

Proviso.

Sec. 3. *And be it enacted,* That the said Elias E. Boudinot, shall keep or place all moneys arising from said sales, at interest, or invested in the purchase of real estate, in such manner as shall render the same most secure and productive, and hold the same and dispose of the proceeds thereof, or permit the same to be disposed of upon the like trusts, terms and conditions, and in the same manner as the other trust funds held for the use of the said Catharine Atterbury, are, by the said will of the said Elisha Boudinot, directed to be held, used and disposed of; *Provided,* that no purchase of any real estate, shall be made with said moneys, without the approbation, in writing, of the said Lewis Atterbury and Catharine, his wife, being first had and obtained for that purpose.

Disposal of the
proceeds of sale.

Proviso.

Passed February 22, 1834.

AN ACT to authorize the stopping of Oronocon Creek, Downam's ditch and Johnson's ditch, in the township of Downe, in the county of Cumberland.

Sec. 1. *BE IT ENACTED* by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

Oronocon meadow company established.

Time and place of electing managers.

same, That it shall and may be lawful for the owners and possessors of the marsh lying on Oronocon creek, between Rheuben's ditch and the Beaver dam bridge, on said creek, in the township of Downe, in the county of Cumberland, which said owners or possessors shall be denominated and known by the name of the Oronocon Meadow Company, to meet at the inn of William Ware, in said township, on the second Wednesday in April next, at one o'clock in the afternoon ; and yearly thereafter on the second Wednesday of April of every year, (every future meeting to be held at such place, as may by a majority of votes of the owners and possessors, present at the meeting, be appointed, and on failure of such appointment, then at the place where the last meeting was held,) and then and there by a plurality of votes of the said owners and possessors present, personally, or by proxies in writing duly executed, to choose out of the said owners and possessors, three managers for the ensuing year, or until others be chosen in their place ; and in case of the death, removal, inability, or refusal of the said managers, or either of them to serve, then it shall and may be lawful for any two of the owners or possessors, by public advertisements, under their hands, set up in three of the most public places in the neighborhood of said marsh, giving eight days notice, to call a meeting of the said owners and possessors at the place where the last annual meeting was held, and there and then, by plurality of votes of the persons so met personally, or by regular proxies as aforesaid, choose one or more managers, as the case may require, who shall serve until the next annual meeting, or until others are chosen in their stead.

Manner of voting.

Sec. 2. *And be it enacted*, That in all cases of an election, or for other purposes, the mode of voting shall be in person or by proxy, in writing, duly executed, or by guardian for his ward or wards, in the following ratio : every person owning or possessing ten acres, or any quantity less than ten acres, shall be entitled to one vote ; and one vote for every additional ten acres, and all joint tenants and tenants in common, each owner or possessor thereof shall be entitled to one vote in like manner as above said, to the extent of his or her individual interest.

Surveyor to determine the number of acres.

Sec. 3. *And be it enacted*, That it shall be the duty of the managers chosen as aforesaid, to employ a well known and respectable surveyor, who shall forthwith proceed to measure, ascertain and determine each owner or possessor's number of acres of marsh between the said creek stopping, and the Beaver dam bridge, and make a regular return, plot, and drawing of the same, which shall be given to the said managers, and shall remain in their possession during their continuance in office, and upon the expiration of such term, be delivered to their successors in office, which said return of the said surveyor shall be received as evidence of each

owners or possessors quantity, and all assessments and votes, shall be made and given according thereto.

Sec. 4. *And be it enacted*, That it shall be the duty of the managers, or a majority of them, and they are hereby authorized and empowered to make or cause to be made, good and sufficient dams across the said Oronocon creek, Downam's ditch, and Johnson's ditch, where they or a majority of them, may think proper; (*Provided*, that the said Oronocon creek shall not be stopped or dammed off more than twenty-five chains on a straight line below the mouth of Reuben's ditch on said creek,) and also to make and complete good and sufficient floodgates and sluices, necessary and proper to keep out all common tides.

Managers to erect dams, floodgates and sluices.

Sec. 5. *And be it enacted*, That it shall and may be lawful for said managers, and they are hereby authorized and empowered, to assess the several owners of the marsh lying within the bounds of the above described creek stopping, such sum or sums of money as may be necessary to defray the expenses of stopping the said creek and ditches, making and completing such floodgates, and other water works necessary for the above mentioned purpose, and also the expense attending the obtaining this act, in proportion to the number of acres which such owner or owners may have included within the said creek stopping.

Owners to be assessed for expenses proportionably.

Sec. 6. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered, from time to time, and at all times to amend, uphold, maintain and keep in good order and repair the said stoppings, floodgates, sluices, and other works respectively, so by them erected for the purpose aforesaid, and to assess and collect (as hereinafter provided,) from each and every of the said owners of the said marsh, from time to time, all such sum or sums of money as may be necessary to pay for mending stoppings, floodgates, sluices, and other water works, necessary to the aforesaid purposes, and for the defraying the expense thereof.

Managers to keep the works in repair.

Sec. 7. *And be it enacted*, That it shall and may be lawful for the managers, or a majority of them, and they are hereby authorized and empowered, from time to time, to dig and take for the purposes aforesaid, any earth, marsh, mud or sod, in any part of the said marsh most convenient and least detrimental to the owners thereof, and also to employ workmen to make and construct the aforesaid works, and to purchase the materials for the purposes aforesaid; and to have free ingress, egress and regress for themselves, their teams and workmen, through any part thereof, when it may be deemed necessary.

Materials may be taken from any part of the marsh.

Sec. 8. *And be it enacted*, That it shall be the duty of the said managers, from time to time, to examine the condi-

Necessary improvements to be made.

tion of the stoppings, floodgates, sluices and other water works, and may make such improvements thereon as may be deemed necessary, and for the defraying the expense thereof, shall assess and collect as hereinafter directed.

The marsh of persons failing to pay assessments, may be leased.

Sec. 9. *And be it enacted*, That if any of the said owners or possessors, shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of three months after notice to him, her or them, given or left at the usual place of their abode, in writing, it shall and may be lawful for the said managers or a majority of them, on ten days notice being given by public advertisement, set up in three of the most public places in the neighborhood of said marsh, to sell at public vendue, so much grass as may be on said owners or possessors marsh, as will be sufficient to discharge such demand; but if the grass on the marsh shall not be sufficient to satisfy the same, then to lease at public vendue as aforesaid, so much of the marsh of such owner or possessor, as will be sufficient to discharge such demand, with reasonable cost, to any person who will pay such demand, for the shortest term; and it shall be lawful for such managers to make and execute a lease to such purchaser for such term, which said lease shall be good and effectual in law, and shall vest the possession thereof in the purchaser, and bar the owner and all others during the term.

Assessment book and books of accounts exhibited annually, but always open to inspection.

Penalty for neglect of duty.

Sec. 10. *And be it enacted*, That the said managers shall provide, at the expense of the said company, a suitable book, in which shall be entered all assessments made and collected by the managers aforesaid, and shall at every annual meeting, produce and lay before the said company the same, for the inspection of the different members, and shall produce and show the same to any of the said members at any reasonable time when thereto required; and shall also provide at the expense aforesaid, another book, in which the said managers shall enter all their proceedings, and a just and true account of all the money they may receive and expend, and shall at every annual meeting produce and lay the same before the said company, with fair vouchers, for all the moneys by them received and expended by virtue of this act, and shall deliver the balance, if there is any remaining in their hands, together with the said books and all other necessary papers, to their successors; and on default thereof, and every wilful neglect in any part of their several duties, prescribed by this act, they the managers, shall forfeit and pay for a breach of their trust, and such wilful neglect of their duty, in an action of trespass, in any court of competent jurisdiction, the sum of fifteen dollars, and also pay all damages that may arise by their negligence, to be sued for and recovered by any member of the company who shall be aggrieved or injured by such negligence of the said managers, in and with the above action of trespass, and said managers shall be accountable for

any money remaining in their hands at the end of every year, and if the said managers shall refuse to pay such balance in their hands to their successors, then their successors shall sue for and recover the same in an action of debt, with costs of suit.

Sec. 11. *And be it enacted*, That if any person shall wilfully do any injury or damage to the said dams, stoppings, floodgates, sluices, or any of the works authorized by this act, he, she, or they, shall for every such offence, forfeit and pay twenty dollars, together with all damages, to be sued for and recovered in an action of trespass, in any court, or before any justice having cognizance of the same, with costs of suit, to be applied to repairing said works so injured, and the managers for the time being, are hereby enjoined and authorized to prosecute the same. Penalty for injuring works.

Sec. 12. *And be it enacted*, That the managers chosen by virtue of this act, shall be entitled to one dollar per day, for each and every day, they or either of them respectively, shall be employed in discharging the duties herein enjoined. Pay of managers

Passed February 22, 1834.

AN ACT to authorize the chosen freeholders of the county of Cumberland, to build a bridge over Cedar creek, in Downe township.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the board of chosen freeholders of the county of Cumberland, be, and they are hereby authorized, to build and maintain a good and sufficient bridge over Cedar creek, at the place where the public road laid out on the ninth day of December, eighteen hundred and thirty-three, leading from Port Elizabeth, in the township of Maurice river, to Dividing creek, in the township of Downe, crosses the said creek.

Passed February 24, 1834.

AN ACT to repeal a part of the third section of an act entitled "An act to authorize the chosen freeholders of the county of Cumberland, to build a draw bridge over Cohansey Creek."

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That so much of the third section of an act, passed January the twenty-sixth, eighteen hundred and thirty-three, to authorize the chosen freeholders of the county of Cumberland to build a draw bridge over Cohansey Creek, at the town of Bridgeton, as has reference to any person or persons, driving any wagon or cart, sled or sleigh, or any other kind of carriage or vehicle, or ride, lead or drive any horse, horses, mule or mules, or any description of cattle, over or upon said bridge at a faster gait than a walk, be, and the same is hereby repealed.

Passed February 24, 1834.

AN ACT to divorce Charlotte P. Antrim from her husband William N. Antrim.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Charlotte P. Antrim of the county of Salem, be, and she is hereby divorced from her husband William N. Antrim, and that the marriage contract heretofore existing between them, the said Charlotte P. Antrim, and William N. Antrim, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 24, 1834.

AN ACT to incorporate the Kingston Fire Engine Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That Phineas Withington, Elijah Stout, George Bayles, William Skillman, James Gulick, Charles Oliver, Randal Dye, John B. Story and Richard Brittan, and all such other persons, as are, or hereafter shall become associates of the Kingston Fire Engine Company be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Kingston Fire Engine Company."

Style of incorporation.

Sec. 2. *And be it enacted,* That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors respectively, may have and use a common seal, and have power to make, change and alter the same at pleasure, and by their common seal, may make, enter into, and execute, any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt, such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, as they shall think proper.

Powers.

Sec. 3. *And be it enacted,* That the capital stock of said company, shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing, and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses, as shall, to the said company, appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital, objects of incorporation.

Sec. 4. *And be it enacted,* That the said company shall have power to elect annually a president, vice-president, or secretary, and a treasurer, from their own body, and such other officers and assistants, as they shall find necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office, shall deliver it over to his successor.

Officers of company.

Sec. 5. *And be it enacted,* That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to alter, amend, modify or repeal this act, as they shall think proper.

Passed February, 24, 1834.

AN ACT to divorce Margaretta Sherwood from her husband Daniel Sherwood.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Margaretta Sherwood, of the county of Somerset, be, and she is hereby divorced from her husband Daniel Sherwood, and that the marriage contract heretofore existing between them, the said Margaretta Sherwood and her husband Daniel Sherwood, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 26, 1834.

AN ACT to authorize Ann Hendrickson, administratrix of William Hendrickson, deceased, to fulfil a certain contract therein named.

Preamble.

WHEREAS, it hath been represented to the legislature, that William Hendrickson, late of the township of Lawrence, in the county of Hunterdon, deceased, in his life time, did covenant and agree in writing with the Delaware and Raritan Canal Company, for and in consideration of the sum of one hundred dollars per acre, to grant, bargain and sell, all that piece and parcel of land situate in the said township, commencing at the line of land belonging to Isaac Brearley, thence running on the route and adjoining to said canal, until it meets the line of lands belonging to John Agnew, and embracing all the meadow of the said William Hendrickson, deceased, estimated at eleven acres and a half: *And whereas* the said William Hendrickson has departed this life intestate, without having executed a deed for the same; *And whereas* Ann Hendrickson, administratrix of the said deceased, hath prayed that she might be authorized to fulfil the said contract, and the same appearing just and reasonable—Therefore,

Administratrix
to convey lands.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Ann Hendrickson administratrix of William Hendrickson, deceased, be, and she is hereby authorized and

empowered to make, execute and deliver to the Delaware and Raritan Canal Company, a sufficient deed of conveyance for the said piece and parcel of land; which said deed of conveyance shall be as good and effectual to all intents and purposes, as if executed, delivered and acknowledged by the said William Hendrickson and the said Ann his wife, in his life time, and shall vest the title to the said lands in the said "The Delaware and Raritan Canal Company, their successors and assigns in fee simple; *Provided*, that the said Administratrix's *Province* account for said purchase money according to law, in the Orphan's Court of the county of Hunterdon.

Passed February 25, 1834.

AN ACT to establish a new township in the county of Bergen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Pompton, in the county of Bergen, which lies within the boundaries and descriptions following, to wit: beginning at the bridge crossing the Pequannac river, on the Paterson and Hamburg turnpike road, a few rods east of Cook's hill, so called, and on the Morris county line; thence a direct course, northerly and easterly, to the mouth of a road, a few rods east of the house lately occupied by Richard G. Ryerson, running with said road a northerly course, to the New York state line; thence westwardly as far as to the Sussex line, and thence running southwardly along said line as far as to the Morris county line; thence eastwardly along said Morris county line until it reaches the bridge below Cook's Hill, being the place of beginning, shall be, and the same is hereby set off from the township aforesaid, and established a separate township, to be called and known by the name of the township of West Milford. *Boundaries*

Sec. 2. *And be it enacted,* That the inhabitants of the said township of West Milford, be, and they and their successors are hereby constituted a body politic and corporate, by the name of "The Inhabitants of the township of West Milford, in the county of Bergen," and shall be, and are hereby in their corporate capacity invested with and entitled to the same rights, powers, privileges and authorities, and *Corporate name and powers.*

made subject to the same regulations, duties and government, as by law are vested in, and prescribed for the several other townships in the county of Bergen.

Time and place
of first town
meeting.

Sec. 3. *And be it enacted*, That the inhabitants of the town of West Milford, shall hold their first town meeting at the inn now kept by Peter Demarest, in Newfoundland, in said township, at the time appointed by law for holding the annual town meetings in the other townships, in the county of Bergen.

Mode of division
of property, &c.

Sec. 4. *And be it enacted*, That on the first Tuesday in May next, the town committees of the said townships of Pompton and West Milford, shall meet at the inn now kept by Peter Brown, in Wheynockey, at ten o'clock in the forenoon, and shall then and there proceed by writing, signed by a majority of those present, to allot, divide and assign to the said township of West Milford, such proportion of all surplus moneys of the said township of Pompton, then on hand, due or owing, arising from taxes on dogs, road taxes, taxes for the support of the poor, and for the education of poor children, as the taxable property, and ratables of that part of the said township of West Milford, which is taken off from the township of Pompton, bears to the whole taxable property and ratables of the present township of Pompton, according to the last assessment; the said township of West Milford to remain liable to pay a like proportion of the debts of the township of Pompton, if any there should be at that time; and that the said township committees, shall then and there also proceed to make a distribution, between the said two townships of Pompton and West Milford, of such poor persons as shall be chargeable upon the said township of Pompton, at or immediately preceding the time at which this act is to take effect, and that in the division and distribution of the said poor, the said two townships respectively, shall be governed by the same laws, rules and regulations, by which they would have been governed had they heretofore existed as separate townships; and if in relation to any such poor, it be uncertain to which of the said two townships they of right, and by law belong, then the said two committees shall divide the same between the said two townships, according to the rule of proportion herein before given; *Provided*, That if any of the members of the township committees or either of them, shall neglect to attend at the time and place aforesaid, it shall and may be lawful for such members of said committees or either of them, as shall attend to proceed to such division of property and distribution of poor, as is by this section prescribed, and a decision of a majority of those present shall be final and conclusive.

Sec. 5. *And be it enacted*, That this act shall take effect on and after the second Monday in March next.

AN ACT authorizing trustees therein named to sell and convey certain real estate of David B. Tharp, a minor.

WHEREAS, David Tharp, late of Hanover, in the county of Morris, died, leaving a last will and testament, since duly proved in the surrogate's office in the said county of Morris, in which after making certain specific legacies and bequests, he directs among other things, that all the residue of his estate, real and personal, shall be given to his children, living at his decease, to wit: to his sons, three-fifths, and to his daughters, two-fifths of the said residuary estate; **AND WHEREAS** the surrogate general of this state, did, by an order of the Prerogative Court, bearing date the twenty-second day of October, in the year of our Lord, eighteen hundred and thirty-three, appoint three commissioners to divide the real estate of the said testator, among the respective devisees in the manner directed by said will; and the said commissioners in the discharge of their said duties, having assigned and set off to David B. Tharp, a minor of the age of four years, one of the children and devisees of the said deceased, in severalty, five certain lots of land, more particularly described in the report of the said commissioners to the said Prerogative court, as by reference to the same will more fully appear; **AND WHEREAS** the value of two of the said lots situated in the township of Newark, in the county of Essex, consists chiefly in the good and tenantable condition of the buildings thereon, and the said buildings for want of immediate and necessary repairs, are going to rapid decay; **AND WHEREAS** the annual rent and proceeds of another of the said lots, containing seven acres, and situated in the township of Morris, in the county of Morris, and described in the report of the said commissioners as lot number three, will be inconsiderable from the want of sufficient fences, and the exposed condition of the said lot, and in other respects be unproductive; by reason whereof the said lands and tenements so as aforesaid set apart to the said minor, cannot be made to yield legal interest on the principal value of the same, and the intention of the said testator be in part thereby defeated; and the brothers and sisters of the said minor, and his testamentary guardians being desirous that the said lots and real estate should be sold and disposed of for the benefit of the said minor, and having petitioned for a law for that purpose as more conducive to his interests, and the commissioners aforesaid who divided and set off the said residuary estate to the respective heirs, having concurred in the same—Therefore,

Trustees to sell
lands.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

same, That William Garthwaite and Joseph N. Tuttle, both of the township of Newark, in the county of Essex, and the survivor of them, be, and they hereby are authorized and empowered to sell and convey three lots of land and premises (being part of the estate of David Tharp, deceased, which was divided and set off to David B. Tharp, a minor child of the said David Tharp; two of which lots are situated in the township of Newark, in the county of Essex, and the third in the township of Morris, in the county of Morris, containing seven acres or thereabouts, formerly owned by one John Harporee,) in fee simple for the highest sum or sums of money the same will bring; and for the same or any part thereof, to execute and deliver in due form of law, in their own names, or in the name of the survivor of them as trustees aforesaid, a good and sufficient deed or deeds of conveyance according to the estate, right, title, and interest, which the said David Tharp, deceased, had in the same at the time of his death; and which sale or sales so made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title, claim, interest and demand which the said David Tharp, deceased, had in the premises at the time of his death, and which the said David B. Tharp now has in and to the same.

Disposition of
proceeds of
sales.

Sec. 2. And be it enacted, That the said trustees and the survivor of them, shall keep a fair account of the sales so made by them, under this act, and after deducting all legal costs, expenses and commissions to be allowed by the Orphan's Court of the county of Morris, the said trustees shall vest the whole amount of the balance of the purchase money arising from the sale of the said real estate, on good and sufficient security, at legal interest, under the direction of the said Orphan's Court, and after appropriating annually, such part of the interest and profits of the proceeds of such sale, as may be necessary to educate, maintain and support the said David B. Tharp, until he shall arrive at the age of twenty-one years, shall vest the remainder thereof, on good security, at legal interest; the said trustees to be chargeable and accountable for the principal and the proceeds thereof, raised and received by virtue of this act, after deducting such appropriations as are hereby authorized, in the settlement of their accounts, as such trustees, with the said Orphan's Court; and after the said child shall so arrive at age, then to pay over and dispose of the whole amount of the balance arising from such sale or sales, agreeably to the direction, and according to the true intent and meaning of the last will and testament of the said David Tharp, deceased, and in case the said David B. Tharp, shall die intestate, and leaving no child or children, then after his death, the said trust fund shall go to the same persons, and be disposed of in the same manner, under the direction of the said will, or

otherwise, as the said real estate would have been disposed of, if the same had not been sold.

Trustees to give bond.

Sec. 3. *And be it enacted*, That before the said trustees enter upon the execution of the trust herein assigned to them, they shall enter into bond to the governor of this state, for the time being, for the use of the said David B. Tharp, in such sum, and with such security as shall be approved of by the Orphans' Court of the said county of Morris, conditioned for the faithful performance of the trust by this act assigned to them, which bond shall be deposited in the surrogate's office, of the said county of Morris.

Rights of others not affected.

Sec. 4. *And be it enacted*, That no sale or conveyance of the lands or tenements of the said deceased, made under this act, shall affect the rights or interests of any other person or persons whatever, other than the heirs and devisees of the said David Tharp, deceased; and their legal representatives.

Passed February 25, 1834.

A FURTHER SUPPLEMENT to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-first of February seventeen hundred and ninety-eight.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the several officers enumerated in the twelfth section of the act, to which this is a supplement, may be elected by a plurality of votes, in any annual town meeting which may resolve to vote by ballot.

Sec. 2. *And be it enacted*, That so much of the twelfth section of the act, to which this is a supplement, as comes within the purview of this act, be, and the same is hereby repealed.

Passed February 25, 1834.

AN ACT to divorce Sarah S. Doty from her husband Burne B. Doty.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

same, That Sarah S. Doty, of the county of Hunterdon, be, and she is hereby divorced from her husband Burne B. Doty, and that the marriage contract heretofore existing between them, the said Sarah S. Doty and Burne B. Doty, her husband, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 25, 1834.

AN ACT to divorce Elizabeth Morse, from her husband Robert Morse.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Elizabeth Morse, of the county of Warren, be, and she is hereby divorced from her husband Robert Morse, and that the marriage contract heretofore existing between them, the said Robert Morse and his wife, Elizabeth Morse, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 25, 1834.

AN ACT to ratify and confirm an agreement made between the commissioners appointed by the Governor of the state of New-York, and the commissioners appointed by the Governor of the state of New-Jersey, respecting the territorial limits and jurisdiction between the said states.

Preamble.

WHEREAS, commissioners duly appointed on the part of the state of New-York, and commissioners duly appointed on the part of New-Jersey, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two states, have executed certain articles, two copies for each state, which are contained in the following words:

AGREEMENT made and entered into by and between Benjamin F. Butler, Peter Augustus Jay and Henry Seymour,

commissioners duly appointed on the part and behalf of the state of New-York, in pursuance of an act of the legislature of the said state, entitled, "An act concerning the territorial limits and jurisdiction of the state of New-York, and the state of New-Jersey," passed January 18th 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, commissioners, duly appointed on the part and behalf of the state of New-Jersey, in pursuance of an act of the legislature of the said state, entitled "An act for the settlement of the territorial limits and jurisdiction between the states of New-Jersey and New-York," passed February 6th, 1833, of the other part.

Agreement between the states of New-York and New-Jersey

ARTICLE I.—The boundary line between the two states of New-York and New-Jersey, from a point in the middle of Hudson river, opposite the point on the west shore thereof, in the forty first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New-York, of the water between Staten Island and New-Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

ARTICLE II.—The state of New-York shall retain its present jurisdiction of and over Bedlow's and Ellis' Islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that state.

ARTICLE III.—The state of New-York shall have and enjoy exclusive jurisdiction of and over all the waters of the Bay of New-York, and of and over all the waters of Hudson river, lying west of Manhattan island, and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New-Jersey side thereof: subject to the following rights of property and of jurisdiction of the state of New-Jersey, that is to say :

1. The state of New-Jersey shall have the exclusive right of property in and to the land under water, lying west of the middle of the bay of New-York and west of the middle of that part of the Hudson river, which lies between Manhattan island and New-Jersey.

2. The state of New-Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made on the shore of the said state, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the state of New-York, which now exist or which may hereafter be passed.

3. The state of New-Jersey shall have the exclusive right

of regulating the fisheries on the westerly side of the middle of the said waters; *Provided*, that the navigation be not obstructed or hindered.

ARTICLE IV.—The state of New-York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten Island and New-Jersey, to the westernmost end of Shooter's island, in respect to such quarantine laws and laws relating to passengers as now exist or may hereafter be passed under the authority of that state, and for executing the same; and the said state shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the Sound, from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said state of New-York.

ARTICLE V.—The state of New-Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the sound between Staten Island and New-Jersey, lying south of Woodbridge creek, and of and over all the water of Raritan bay, lying westward of a line drawn from the light house at Prince's bay, to the mouth of Matavan creek, subject to the following rights of property and of jurisdiction of the state of New-York, that is to say:—

1. The state of New-York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten Island.

2. The state of New-York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made, on the shore of Staten Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers of the state of New-Jersey, which now exist or which may hereafter be passed.

3. The state of New-York shall have the exclusive right of regulating the fisheries between the shore of Staten Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

ARTICLE VI.—Criminal process issued under the authority of the state of New-Jersey, against any person accused of an offence committed within that state, or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid, or committed against the regulations made, or to be made, by that state in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the state of New-Jersey, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any of the said waters within the exclusive

jurisdiction of the state of New-York, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the state of New-York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the state of New-York.

ARTICLE VII.—Criminal process issued under the authority of the state of New-York, against any person accused of an offence committed within that state, or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid; or committed against the regulations made or to be made by that state, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the state of New-York, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the state of New-Jersey, unless such person or property shall be on board a vessel aground, upon, or fastened to, the shore of the state of New-Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the state of New-Jersey.

ARTICLE VIII.—This agreement shall become binding on the two states when confirmed by the legislatures thereof respectively, and when approved by the Congress of the United States.

Done in four parts (two of which are retained by the commissioners of New-York, to be delivered to the governor of that state, and the other two of which are retained by the commissioners of New-Jersey, to be delivered to the governor of that state) at the city of New-York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States, the fifty-eighth.

**THEODORE FRELINGHUYSEN,
JAMES PARKER,
LUCIUS Q. C. ELMER.**

**B. F. BUTLER,
PETER AUGUSTUS JAY,
HENRY SEYMOUR.**

THEREFORE,

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the aforesaid agreement, and every article, clause, matter and thing, therein contained, shall be and the same is hereby fully and amply ratified and confirmed, on the part of the state of New-Jersey. Ratification of agreement.

Passed February 26, 1834.

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AN ACT for the enclosure of a certain tract of woodland, in the township of Saddle River, in the county of Bergen.

Boundaries of tract to be enclosed.

Proviso.

Penalty for letting in horses, or cattle.

Beasts may be impounded.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of that tract of woodland, situate, lying and being in the township of Saddle River, in the county of Bergen aforesaid, being bounded as follows, viz: beginning at Mead's basin and running north along the Newark and Pompton turnpike road, to the road leading to Pompton, near the Pompton river; thence up said road until it intersects the road leading to Preakness; thence along said road to the Paterson and Hamburg turnpike road; thence along said road until it comes to the public road leading to Preakness church; thence along the same, the nearest and most direct way past the house of Cornelius Kipp, in Preakness, to the place of beginning, to fence the same in common, and to erect and maintain such swing gates, as they may think proper; and that from and after the enclosing the same as aforesaid, no person or persons, whatsoever, shall drive, or let in, any horses, cattle, sheep or hogs, with intent to let them run at large in said tract; *Provided always,* that nothing in this act contained, shall be construed so as to prevent any person or persons from turning his horses, cattle or sheep, on such part of the said tract as may belong to him or her, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of the said tract.

Sec. 2. *And be it enacted,* That if any person, whatsoever, shall drive or let in any horses, cattle or sheep, into the said tract, after the same shall be enclosed, as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing gates thereon, they shall be liable to a penalty of ten dollars; and if any person or persons, shall leave open any bars or swing gates thereon, negligently or wilfully, he shall be liable to a penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the trustees herein after mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt, and the proceeds thereof, after paying the cost and expenses of suing for and recovering the same, shall be applied to repairing the fences and swing gates around the said tract.

Sec. 3. *And be it enacted,* That if any horses, cattle, sheep, or hogs, be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound, in the township of Saddle River, leaving with the keeper of such pound, an affidavit that such horses, cattle,

or sheep, were found running at large in said tract, and it shall be the duty of such pound keeper, to receive and keep the horses, cattle and sheep, so delivered to him, until the owner thereof shall pay to him the cost and fees of impounding the same, together with damages, if any incurred; and such pound keeper shall collect and receive the same in the same manner, and shall be entitled to the same fees, and be subject to the same penalties, and shall in all matters proceed as is directed by an act entitled "An act regulating fences," passed January the twenty-third, seventeen hundred and ninety-nine.

Sec. 4. *And be it enacted*, That a majority of the owners of said tract, shall meet on the first Tuesday of April next, at the house of Isaac H. Mead, at Mead's Basin, in the township of Saddle River, and on the first Tuesday in April of each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose from among themselves, three persons to be trustees of said lands, who shall hold their office for one year, or until their successors shall be appointed.

Time and place
of electing trustees.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of the fence to be erected around the said tract, and shall assign by marks and measurement to each of the owners of said tract, a part of said fence to make and maintain, to the proportion to the number of acres owned by him or her therein; and if after such assignment and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses from the person or persons so refusing, and their legal representative, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees, to cause a lawful fence at all times, to be kept up and maintained around the above said tract.

Duties of trustees.

Sec. 6. *And be it enacted*, That each trustee shall be entitled to receive one dollar per day, for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to their interest; and shall be assessed by the said trustees, according to the number of acres held by each owner of said tract, and shall make out a duplicate list of the amount assessed upon the property of each individual, who upon refusal or neglecting to pay the same, after notice of the aforesaid assessment, being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution before any court having competent jurisdiction of the same, in an action of debt with costs of suit.

Pay of trustees.

Passed February 26, 1834.

AN ACT to incorporate "The Bottle Hill and Montville Canal Company."

Style of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all persons who may become subscribers in the manner hereinafter mentioned, and their successors and assigns, shall be, and are hereby incorporated, by the name of "The Bottle Hill and Montville Canal Company," and by that name shall be a body corporate and politic in law, and shall and may sue and be sued, plead and be impleaded in all courts and places, and shall have power and authority to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien, and sell all such lands, tenements and hereditaments, waters, streams and water privileges, rights, goods, chattels, and effects of every description whatsoever, as may be necessary for carrying into effect any of the provisions of this act, and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure, and to make and ordain such by-laws and regulations in relation to its canal and other property and concerns, as the board of directors or a majority of them, shall deem necessary and proper, and the same to alter, annul and re-enact at pleasure: *Provided,* the same be consistent with this act, and the constitution and laws of this state and of the United States.

Proviso.

Commissioners to receive subscriptions for stock.

Sec. 2. *And be it enacted,* That Jacob Wilson, Noadiah P. Thomas, Walter Kirkpatrick, Benjamin L. Condict and William Brittin, shall be commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of said company, in shares of fifty dollars each, and they, or a majority of them, shall open books for that purpose, at such times and places as they, or a majority of them shall designate, by public advertisements, inserted in the newspapers printed at Morristown in the county of Morris, for at least thirty days immediately preceding the time or times appointed for that purpose, and continue the same open from time to time, until the said stock, or sixty thousand dollars thereof, shall be subscribed; the sum of five dollars shall be paid to the commissioners at the time of subscribing, on each share, and the amount received by said commissioners shall be paid over by them to the directors of said company, to be appointed as hereafter mentioned, immediately after their appointment and entering upon the execution of their offices; and the directors, when appointed, shall have power to call in and require payment of the residue of such capital stock in such instalments, and at such times, as they may deem expedient, giving thirty days notice in the

newspapers aforesaid, of the demand of each instalment; and no instalment of more than five dollars shall be required to be paid at one time.

Sec. 3. *And be it enacted,* That the managers of the concerns of the said company, shall be vested in seven directors, to be selected by the stockholders, and the directors shall choose by a plurality of votes, from among themselves, a president; and as soon as conveniently may be, after the said capital or sixty thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders, by giving notice as aforesaid, at such time and place as they may designate in said notice, to elect the first board of directors, who shall hold their offices until the first Monday in April, eighteen hundred and thirty-five, and the subsequent elections of directors shall be holden annually on the first Monday in April, at such place as the directors, or a majority of them, shall appoint, upon like notice as aforesaid, to be given by said directors, or a majority of them; and in case it shall so happen at any time that an election of directors shall not be made, when by this act it ought to be made, the said corporation shall not thereby be deemed to be dissolved, but the directors, last appointed, shall continue in office until others are chosen; and the directors, or a majority of them, may order an election to be held at such time and place as they may see fit, giving notice thereof as aforesaid; all elections for directors, shall be by ballot, and each stockholder shall have as many votes as he shall hold shares of the capital stock.

Sec. 4. *And be it enacted,* That the amount expended in the construction of the canal or raceway authorized by this act, shall not be subject to any state, county, township or other public taxes, assessments or charges whatsoever.

Sec. 5. *And be it enacted,* That it shall be lawful for said company to make, construct and complete a canal or artificial navigation, commencing at or near the village of Bottle Hill, in the township of Chatham, in the county of Morris, and running through the townships of Hanover and Pequannock, to the Morris canal, so as to intersect the same within a mile of the lowest inclined plane at Montville, in the township of Pequannock, in said county, with all such locks, planes, works, devices, wharves, toll houses and offices necessary for the use of said canal; and it shall be lawful for the said company, by its president and directors, or any agents, engineers, superintendents, contractors, or other person or persons by them employed, to enter from time to time, and at all times, upon all lands, for the purpose of exploring the route of said canal, and locating the same and the several works above specified, doing to the same no unnecessary damage, and when the route of said canal shall have been fixed upon and its several works located, by the directors or a majority of

Time and mode
of electing di-
rectors.

Corporation not
dissolved by
failure to elect
on day pre-
scribed.

Amount expen-
ded on canal not
subject to tax.

Route of canal.

Company may
enter upon lands
in exploring.

them, and a survey thereof made and deposited in the clerk's office of the county of Morris, then it shall be lawful for them and their agents, contractors, and other persons by them employed, to enter upon, take possession of, and use all and singular such lands, water and streams, as may be necessary for said canal, subject to the provisions hereinafter contained.

Mode of proceeding, &c.

Sec. 6. *And be it enacted*, That where lands, waters and streams, that may be necessary and useful for said canal, shall not be made a free gift by the owner or owners thereof to the said company, then the said company shall pay to the owner or owners thereof, a just compensation to be mutually agreed upon, and in case of disagreement as to the value of such lands, waters or streams, then it shall be the duty of any judge of the Court of Common Pleas of the county of Morris, not in any way interested, upon the application of either party, and upon six days notice in writing given to the other party, to appoint three disinterested and judicious persons commissioners, to assess the price and value of such lands, water and streams, which said commissioners shall cause six days notice in writing, to be given to both parties of the time and place of their meeting, and having met and been duly sworn, honestly and faithfully to execute the duties of such appointment, shall proceed to view the lands, water and streams in question, and to hear the parties and their witnesses, if desired, which witnesses the commissioners or any one of them shall have authority to swear, and shall thereupon make such decision and award, as to them shall seem just and equitable, which decision and award shall be in writing, under the hands of the commissioners or two of them, and be transmitted together with a description of the lands, water, and stream or streams, the price or value of which shall be fixed by said decision and award to the judge who appointed them, and the said judge shall file the same, together with all papers relating to the application and proceeding, in the clerk's office of said county, there to remain as a public record, whereof said parties shall be entitled to take copies, from which decision and award either party may appeal to the Court of Common Pleas of the county of Morris, by petition, to be filed in the office of the clerk of said court, at any time within thirty days after such decision and award shall be filed as aforesaid, and the said Court of Common Pleas, shall have full power to hear and determine the matters in dispute between the parties, in relation to said decision and award; and in case either party shall demand it, a venire facias shall be awarded by said court, to assess the value of said lands, water, stream or streams, and all damages sustained by the owner or owners thereof, by reason of the said canal, and the same notice of trial shall be given and proceedings had as in other cases of trial by jury, if the appeal is brought by the owner or owners, and if the sum

awarded in the said court of common pleas, shall be greater than that found by the commissioners, then the costs of such appeal shall be recovered by said owner or owners of the said company, but if the sum awarded in such court be the same or less than that found by the commissioners, then the company shall recover the costs of the said appeal of such owner or owners; if the appeal is brought by the company and the sum awarded in the said court of common pleas, shall be the same or greater than that found by the commissioners, then the said owner or owners shall recover the costs of such appeal of the said company; if the sum awarded in said court shall be less than that found by the commissioners, then each party shall pay their own costs, and judgment shall be given in the said court of common pleas in all cases for the damages awarded, and costs, agreeably to the provisions of this section, and execution issue accordingly: and it is hereby declared, that it shall not be lawful for said company to take possession of, occupy or use for the purposes of said canal, any lands, water, stream or streams, until compensation and damages shall be duly paid or tendered therefor, pursuant to the provisions of this act.

Sec. 7. *And be it enacted*, That in case the owner or owners of any such lands, water, or stream or streams as herein before mentioned, shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability, then and in such case the value of such lands, water, or stream or streams and damages, shall be ascertained by commissioners in manner as aforesaid, to be appointed on the application of said company or the lawful guardian of such owner or owners; and the amount of any award made in favor of such owner or owners shall be paid into the court of chancery of this state, for the use of such owner or owners, subject to the order of said court.

Sec. 8. *And be it enacted*, That all proceedings under this act, to ascertain the value of any lands, water, stream or streams, to be used by the said company, except proceedings on appeals before provided for, shall be at the expense of and paid by the said company.

Sec. 9. *And be it enacted*, That it shall be lawful for said directors and their superintendents, agents, engineers, laborers and workmen, with carts, wagons and other carriages, and with beasts of draught and burden, and all necessary tools and implements, to enter upon all lands contiguous to the route of the said canal, doing as little damage hereto as possible, and repairing all breaches they may make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand or earth there, being most conveniently situated, and most suitable for making or repairing said canal or its locks, planes or other devices thereto be-

Proceedings where owners are under legal disability to convey.

Expense to be paid by the company.

Company may enter upon lands contiguous to the route of canal.

longing; and the price or value of all such materials and damages occasioned by the taking thereof shall be agreed upon or otherwise ascertained, and paid, or tendered to be paid, in the manner herein before provided for, in relation to the water, lands, stream or streams necessary for said canal.

Powers and
duties of direc-
tors.

Rates of toll.

Annual state-
ment to be ex-
hibited.

Stock personal
property.

Bridges to be
made when ca-
nal crosses
roads or farms.

Right of action
for damages.

Sec. 10. *And be it enacted*, That the president and directors, or a majority of them, shall have power to elect and employ all engineers, treasurers, collectors, toll men, clerks, agents, artificers, workmen, servants, laborers and officers whatsoever, necessary in their judgment for conducting the affairs of the said company, and to dismiss them and elect others at their pleasure, and also shall have power to charge and collect tolls, and rates for the passage of all boats, goods, draught-cattle, wares, produce, merchandise and passengers whatsoever, upon the canal or upon its banks, and to make, enact, and at pleasure to change and re-enact such tolls and rates, and also rules and regulations for the levying and collection of the same, as to them may seem proper; *Provided*, the company shall at no time charge more than three cents per ton per mile, on the passage of coal, lime, gypsum, iron ore and stone, and a proportionate charge upon other articles, contemplating their bulk, weight and value; and a card thereof shall be put up in open and public view, at every place where toll shall be required to be paid.

Sec. 11. *And be it enacted*, That at the general meeting of said stockholders, to be held annually, agreeably to this act, a general statement of the affairs of the company shall be made out and exhibited by the president and directors, or a majority of them, and the said president and directors, or a majority of them, may as often as shall appear to them expedient, declare and pay such dividends of the net proceeds of the company as they may think proper.

Sec. 12. *And be it enacted*, That the stock of said company shall be deemed personal property, and shall be transferable on the books of the company, in such manner as the by-laws shall ordain.

Sec. 13. *And be it enacted*, That when the said canal shall cross any public road or farm, it shall be the duty of said company at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the use of said road or farms, by reason of said canal crossing the same, and also to make and maintain good and sufficient fences along the line of said canal, on both sides thereof, where the same may be necessary.

Sec. 14. *And be it enacted*, That nothing in this act shall be taken to impair the right of any person, to an action against the company for damages, to his or her lands, tenements or hereditaments or water rights, by the erection of said canal,

where such person hath not been agreed with by the company, or his or her damages, right and estate, satisfied and vested in said company, under the previous provisions of this act.

Sec. 15. *And be it enacted*, That the said canal when completed, shall forever thereafter be esteemed a public highway, free for the transportation of all goods, commodities, produce and passengers whatsoever, on payments of the tolls, and conforming to the rules and regulations made or authorized by this act; and the legislature may at any time hereafter appoint three commissioners to fix and regulate the tolls, to be taken on said canal, who, together with two commissioners, to be appointed by the company, shall fix and regulate the same, having due regard to the interest of the company, and of the citizens of this state; *Provided*, that they shall not reduce such tolls lower than one half of the greatest amount mentioned in the tenth section of this act.

Canal a public highway.

Tolls fixed by commissioners.

Sec. 16. *And be it enacted*, That it shall be lawful for said company, by means of a raceway or canal, to connect the waters of the Rockaway river from a point at or near the old Boonton works, below the Boonton falls, with the said canal, in that section thereof, which will be between said river and the aforesaid termination of said canal: *Provided*, that the waters so taken from the Rockaway river, and all waters taken from the Passaic river or any of its tributaries, by said company, or its successors or assigns, be not in any way mingled with or emptied into the Morris Canal, but shall be returned undiminished into said tributaries, or into the Passaic river, above the great falls of the Passaic; and for that purpose the said company are hereby vested with the same authority and right to enter upon all lands, for the purpose of exploring the route of said raceway or canal, and locating the same and taking possession of, appropriating and using all lands, useful and necessary for the same, and taking and using such materials for constructing and repairing said raceway or canal, as are contained in this charter, in relation to said canal, from Bottle Hill to the Morris Canal; and the value of all such lands, material, and the damages occasioned by the construction of said raceway or canal, shall be agreed upon or otherwise ascertained and paid for, in the same manner as is herein before provided for; and the said raceway or canal shall in all things be subject to the same restrictions and provisions, and the company be entitled to all the rights and privileges in relation to the same as are herein mentioned in respect to said principal canal; and that the provisions of the fourteenth section of this act shall be so construed as to extend to damages sustained, not only by the erection of said canal or raceway in the first instance, but also by the subsequent operations of said company, their successors and as-

Raceway may be continued.

Restrictions in connecting the waters of certain rivers with the canal.

Provisions of fourteenth section extended, in certain cases.

longing; and the price or value of all such materials and damages occasioned by the taking thereof shall be agreed upon or otherwise ascertained, and paid, or tendered to be paid, in the manner herein before provided for, in relation to the water, lands, stream or streams necessary for said canal.

Powers and
duties of direc-
tors.

Rates of toll.

Annual state-
ment to be ex-
hibited.

Stock personal
property.

Bridges to be
made when ca-
nal crosses
roads or farms.

Right of action
for damages.

Sec. 10. *And be it enacted*, That the president and directors, or a majority of them, shall have power to elect and employ all engineers, treasurers, collectors, toll men, clerks, agents, artificers, workmen, servants, laborers and officers whatsoever, necessary in their judgment for conducting the affairs of the said company, and to dismiss them and elect others at their pleasure, and also shall have power to charge and collect tolls, and rates for the passage of all boats, goods, draught-cattle, wares, produce, merchandise and passengers whatsoever, upon the canal or upon its banks, and to make, enact, and at pleasure to change and re-enact such tolls and rates, and also rules and regulations for the levying and collection of the same, as to them may seem proper; *Provided*, the company shall at no time charge more than three cents per ton per mile, on the passage of coal, lime, gypsum, iron ore and stone, and a proportionate charge upon other articles, contemplating their bulk, weight and value; and a card thereof shall be put up in open and public view, at every place where toll shall be required to be paid.

Sec. 11. *And be it enacted*, That at the general meeting of said stockholders, to be held annually, agreeably to this act, a general statement of the affairs of the company shall be made out and exhibited by the president and directors, or a majority of them, and the said president and directors, or a majority of them, may as often as shall appear to them expedient, declare and pay such dividends of the net proceeds of the company as they may think proper.

Sec. 12. *And be it enacted*, That the stock of said company shall be deemed personal property, and shall be transferable on the books of the company, in such manner as the by-laws shall ordain.

Sec. 13. *And be it enacted*, That when the said canal shall cross any public road or farm, it shall be the duty of said company at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the use of said road or farms, by reason of said canal crossing the same, and also to make and maintain good and sufficient fences along the line of said canal, on both sides thereof, where the same may be necessary.

Sec. 14. *And be it enacted*, That nothing in this act shall be taken to impair the right of any person, to an action against the company for damages, to his or her lands, tenements or hereditaments or water rights, by the erection of said canal,

where such person hath not been agreed with by the company, or his or her damages, right and estate, satisfied and vested in said company, under the previous provisions of this act.

Sec. 15. *And be it enacted,* That the said canal when completed, shall forever thereafter be esteemed a public highway, free for the transportation of all goods, commodities, produce and passengers whatsoever, on payments of the tolls, and conforming to the rules and regulations made or authorized by this act; and the legislature may at any time hereafter appoint three commissioners to fix and regulate the tolls, to be taken on said canal, who, together with two commissioners, to be appointed by the company, shall fix and regulate the same, having due regard to the interest of the company, and of the citizens of this state; *Provided*, that they shall not reduce such tolls lower than one half of the greatest amount mentioned in the tenth section of this act.

Canal a public highway.

Tolls fixed by commissioners.

Sec. 16. *And be it enacted,* That it shall be lawful for said company, by means of a raceway or canal, to connect the waters of the Rockaway river from a point at or near the old Boonton works, below the Boonton falls, with the said canal, in that section thereof, which will be between said river and the aforesaid termination of said canal: *Provided*, that the waters so taken from the Rockaway river, and all waters taken from the Passaic river or any of its tributaries, by said company, or its successors or assigns, be not in any way mingled with or emptied into the Morris Canal, but shall be returned undiminished into said tributaries, or into the Passaic river, above the great falls of the Passaic; and for that purpose the said company are hereby vested with the same authority and right to enter upon all lands, for the purpose of exploring the route of said raceway or canal, and locating the same and taking possession of, appropriating and using all lands, useful and necessary for the same, and taking and using such materials for constructing and repairing said raceway or canal, as are contained in this charter, in relation to said canal, from Bottle Hill to the Morris Canal; and the value of all such lands, material, and the damages occasioned by the construction of said raceway or canal, shall be agreed upon or otherwise ascertained and paid for, in the same manner as is herein before provided for; and the said raceway or canal shall in all things be subject to the same restrictions and provisions, and the company be entitled to all the rights and privileges in relation to the same as are herein mentioned in respect to said principal canal; and that the provisions of the fourteenth section of this act shall be so construed as to extend to damages sustained, not only by the erection of said canal or raceway in the first instance, but also by the subsequent operations of said company, their successors and as-

Raceway may be constructed.

Restrictions in connecting the waters of certain rivers with the canal.

Provisions of fourteenth section extended, in certain cases.

signs, as the same from time to time, may arise, any thing in this act contained to the contrary thereof notwithstanding.

Canal to be
completed in ten
years.

Sec. 17. *And be it enacted*, That this act shall be null and void, unless said company shall complete and open the said canal for the passage of boats, within ten years from the passage of this act, and that the funds of the said company, shall, at no time, be used in any banking operations.

Sec. 18. *And be it enacted*, That nothing contained in this act, shall be so construed as to affect the chartered rights or privileges of any company or incorporation heretofore authorized or created by the legislature of this state.

Act may be al-
tered or repea-
ed.

Sec. 19. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, modify or amend this act, as the public good may require.

Passed February 26, 1834.

AN ACT to authorize a road to be laid out over a part of the State Lands, at Paterson.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the surveyors of the highways of the counties of Bergen and Essex, shall be, and they are hereby authorized, to lay out a public road, not exceeding three rods in width, over that part of the state lands at or near the town of Paterson, in the county of Essex, situate north of said town, and adjoining lands of John S. Vanwinkle; to commence on the north side of Broadway, in said town, and to run a northerly course to the bend of the Passaic river, at or near the fording place, near the house of John D. Ryerson, or the Grist Mill of John D. Ryerson, any thing in the act, entitled "An act to prevent public or private roads being laid out, or opened on or through lands belonging to this state," passed the third of November, eighteen hundred and fourteen, to the contrary notwithstanding; *Provided*, that the said surveyors, shall lay out said road from Broadway in Paterson, aforesaid, to Hoppertown in Bergen county, and the same be opened for public use, and a good and substantial bridge built thereon, across the Passaic river.

Passed February 26, 1834.

An ACT to incorporate the Union Fire Company of the borough of Pemberton, Burlington county.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Aaron Gaskill, Robert Rogers, Job R. Gaskill, Franklin W. Earl, Benjamin C. Gibbs, James Burroughs, and all other persons, not exceeding fifty in number, who now are or hereafter shall become members of the Union Fire Company of the borough of Pemberton, Burlington county, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the Union Fire Company of the borough of Pemberton; and, by such name, they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall not exceed one thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire hooks, engine houses, and other implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital stock.

Sec. 3. *And be it enacted,* That the said company shall have power to elect, annually, a president, out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office, shall deliver it over to his successor.

Officers to be chosen.

Sec. 4. *And be it enacted,* That all the privileges and exemptions contained in an act entitled "An act for the encouragement of fire companies," passed December fourteenth, eighteen hundred and twenty-six, be, and the same are hereby

Privileges and exemptions of company.

AN ACT for the enclosure of a certain tract of woodland,
in the township of Saddle River, in the county of Bergen.

Boundaries of
tract to be en-
closed.

Proviso.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of that tract of woodland, situate, lying and being in the township of Saddle River, in the county of Bergen aforesaid, being bounded as follows, viz: beginning at Mead's basin and running north along the Newark and Pompton turnpike road, to the road leading to Pompton, near the Pompton river; thence up said road until it intersects the road leading to Preakness; thence along said road to the Paterson and Hamburg turnpike road; thence along said road until it comes to the public road leading to Preakness church; thence along the same, the nearest and most direct way past the house of Cornelius Kipp, in Preakness, to the place of beginning, to fence the same in common, and to erect and maintain such swing gates, as they may think proper; and that from and after the enclosing the same as aforesaid, no person or persons, whatsoever, shall drive, or let in, any horses, cattle, sheep or hogs, with intent to let them run at large in said tract; *Provided always,* that nothing in this act contained, shall be construed so as to prevent any person or persons from turning his horses, cattle or sheep, on such part of the said tract as may belong to him or her, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of the said tract.

Penalty for let-
ting in horses,
or cattle.

Sec. 2. *And be it enacted,* That if any person, whatsoever, shall drive or let in any horses, cattle or sheep, into the said tract, after the same shall be enclosed, as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing gates thereon, they shall be liable to a penalty of ten dollars; and if any person or persons, shall leave open any bars or swing gates thereon, negligently or wilfully, he shall be liable to a penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the trustees herein after mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt, and the proceeds thereof, after paying the cost and expenses of suing for and recovering the same, shall be applied to repairing the fences and swing gates around the said tract.

Beasts may be
impounded.

Sec. 3. *And be it enacted,* That if any horses, cattle, sheep, or hogs, be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound, in the township of Saddle River, leaving with the keeper of such pound, an affidavit that such horses, cattle,

or sheep, were found running at large in said tract, and it shall be the duty of such pound keeper, to receive and keep the horses, cattle and sheep, so delivered to him, until the owner thereof shall pay to him the cost and fees of impounding the same, together with damages, if any incurred; and such pound keeper shall collect and receive the same in the same manner, and shall be entitled to the same fees, and be subject to the same penalties, and shall in all matters proceed as is directed by an act entitled "An act regulating fences," passed January the twenty-third, seventeen hundred and ninety-nine.

Sec. 4. *And be it enacted*, That a majority of the owners of said tract, shall meet on the first Tuesday of April next, at the house of Isaac H. Mead, at Mead's Basin, in the township of Saddle River, and on the first Tuesday in April of each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose from among themselves, three persons to be trustees of said lands, who shall hold their office for one year, or until their successors shall be appointed.

Time and place
of electing trustees.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of the fence to be erected around the said tract, and shall assign by marks and measurement to each of the owners of said tract, a part of said fence to make and maintain, to the proportion to the number of acres owned by him or her therein; and if after such assignment and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses from the person or persons so refusing; and their legal representative, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees, to cause a lawful fence at all times, to be kept up and maintained around the above said tract.

Duties of trustees.

Sec. 6. *And be it enacted*, That each trustee shall be entitled to receive one dollar per day, for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to their interest; and shall be assessed by the said trustees, according to the number of acres held by each owner of said tract, and shall make out a duplicate list of the amount assessed upon the property of each individual, who upon refusal or neglecting to pay the same, after notice of the aforesaid assessment, being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution before any court having competent jurisdiction of the same, in an action of debt with costs of suit.

Pay of trustees.

Passed February 26, 1834.

AN ACT to incorporate "The Bottle Hill and Montville Canal Company."

Style of incorporation.

Proviso.

Commissioners to receive subscriptions for stock.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all persons who may become subscribers in the manner hereinafter mentioned, and their successors and assigns, shall be, and are hereby incorporated, by the name of "The Bottle Hill and Montville Canal Company," and by that name shall be a body corporate and politic in law, and shall and may sue and be sued, plead and be impleaded in all courts and places, and shall have power and authority to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien, and sell all such lands, tenements and hereditaments, waters, streams and water privileges, rights, goods, chattels, and effects of every description whatsoever, as may be necessary for carrying into effect any of the provisions of this act, and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure, and to make and ordain such by-laws and regulations in relation to its canal and other property and concerns, as the board of directors or a majority of them, shall deem necessary and proper, and the same to alter, annul and re-enact at pleasure: *Provided*, the same be consistent with this act, and the constitution and laws of this state and of the United States.

Sec. 2. *And be it enacted,* That Jacob Wilson, Noadiah P. Thomas, Walter Kirkpatrick, Benjamin L. Condict and William Brittin, shall be commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of said company, in shares of fifty dollars each, and they, or a majority of them, shall open books for that purpose, at such times and places as they, or a majority of them shall designate, by public advertisements, inserted in the newspapers printed at Morristown in the county of Morris, for at least thirty days immediately preceding the time or times appointed for that purpose, and continue the same open from time to time, until the said stock, or sixty thousand dollars thereof, shall be subscribed; the sum of five dollars shall be paid to the commissioners at the time of subscribing, on each share, and the amount received by said commissioners shall be paid over by them to the directors of said company, to be appointed as hereafter mentioned, immediately after their appointment and entering upon the execution of their offices; and the directors, when appointed, shall have power to call in and require payment of the residue of such capital stock in such instalments, and at such times, as they may deem expedient, giving thirty days notice in the

newspapers aforesaid, of the demand of each instalment; and no instalment of more than five dollars shall be required to be paid at one time.

Sec. 3. *And be it enacted,* That the managers of the concerns of the said company, shall be vested in seven directors, to be selected by the stockholders, and the directors shall choose by a plurality of votes, from among themselves, a president; and as soon as conveniently may be, after the said capital or sixty thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders, by giving notice as aforesaid, at such time and place as they may designate in said notice, to elect the first board of directors, who shall hold their offices until the first Monday in April, eighteen hundred and thirty-five, and the subsequent elections of directors shall be holden annually on the first Monday in April, at such place as the directors, or a majority of them, shall appoint, upon like notice as aforesaid, to be given by said directors, or a majority of them; and in case it shall so happen at any time that an election of directors shall not be made, when by this act it ought to be made, the said corporation shall not thereby be deemed to be dissolved, but the directors, last appointed, shall continue in office until others are chosen; and the directors, or a majority of them, may order an election to be held at such time and place as they may see fit, giving notice thereof as aforesaid; all elections for directors, shall be by ballot, and each stockholder shall have as many votes as he shall hold shares of the capital stock.

Time and mode
of electing di-
rectors.

Corporation not
dissolved by
failure to elect
on day pre-
scribed.

Sec. 4. *And be it enacted,* That the amount expended in the construction of the canal or raceway authorized by this act, shall not be subject to any state, county, township or other public taxes, assessments or charges whatsoever.

Amount expen-
ded on canal not
subject to tax.

Sec. 5. *And be it enacted,* That it shall be lawful for said company to make, construct and complete a canal or artificial navigation, commencing at or near the village of Bottle Hill, in the township of Chatham, in the county of Morris, and running through the townships of Hanover and Pequannock, to the Morris canal, so as to intersect the same within a mile of the lowest inclined plane at Montville, in the township of Pequannock, in said county, with all such locks, planes, works, devices, wharves, toll houses and offices necessary for the use of said canal; and it shall be lawful for the said company, by its president and directors, or any agents, engineers, superintendents, contractors, or other person or persons by them employed, to enter from time to time, and at all times, upon all lands, for the purpose of exploring the route of said canal, and locating the same and the several works above specified, doing to the same no unnecessary damage, and when the route of said canal shall have been fixed upon and its several works located, by the directors or a majority of

Route of canal.

Company may
enter upon lands
in exploring.

them, and a survey thereof made and deposited in the clerk's office of the county of Morris, then it shall be lawful for them and their agents, contractors, and other persons by them employed, to enter upon, take possession of, and use all and singular such lands, water and streams, as may be necessary for said canal, subject to the provisions hereinafter contained.

Mode of proceeding, &c.

Sec. 6. *And be it enacted*, That where lands, waters and streams, that may be necessary and useful for said canal, shall not be made a free gift by the owner or owners thereof to the said company, then the said company shall pay to the owner or owners thereof, a just compensation to be mutually agreed upon, and in case of disagreement as to the value of such lands, waters or streams, then it shall be the duty of any judge of the Court of Common Pleas of the county of Morris, not in any way interested, upon the application of either party, and upon six days notice in writing given to the other party, to appoint three disinterested and judicious persons commissioners, to assess the price and value of such lands, water and streams, which said commissioners shall cause six days notice in writing, to be given to both parties of the time and place of their meeting, and having met and been duly sworn, honestly and faithfully to execute the duties of such appointment, shall proceed to view the lands, water and streams in question, and to hear the parties and their witnesses, if desired, which witnesses the commissioners or any one of them shall have authority to swear, and shall thereupon make such decision and award, as to them shall seem just and equitable, which decision and award shall be in writing, under the hands of the commissioners or two of them, and be transmitted together with a description of the lands, water, and stream or streams, the price or value of which shall be fixed by said decision and award to the judge who appointed them, and the said judge shall file the same, together with all papers relating to the application and proceeding, in the clerk's office of said county, there to remain as a public record, whereof said parties shall be entitled to take copies, from which decision and award either party may appeal to the Court of Common Pleas of the county of Morris, by petition, to be filed in the office of the clerk of said court, at any time within thirty days after such decision and award shall be filed as aforesaid, and the said Court of Common Pleas, shall have full power to hear and determine the matters in dispute between the parties, in relation to said decision and award; and in case either party shall demand it, a venire facias shall be awarded by said court, to assess the value of said lands, water, stream or streams, and all damages sustained by the owner or owners thereof, by reason of the said canal, and the same notice of trial shall be given and proceedings had as in other cases of trial by jury, if the appeal is brought by the owner or owners, and if the sum

awarded in the said court of common pleas, shall be greater than that found by the commissioners, then the costs of such appeal shall be recovered by said owner or owners of the said company, but if the sum awarded in such court be the same or less than that found by the commissioners, then the company shall recover the costs of the said appeal of such owner or owners; if the appeal is brought by the company and the sum awarded in the said court of common pleas, shall be the same or greater than that found by the commissioners, then the said owner or owners shall recover the costs of such appeal of the said company; if the sum awarded in said court shall be less than that found by the commissioners, then each party shall pay their own costs, and judgment shall be given in the said court of common pleas in all cases for the damages awarded, and costs, agreeably to the provisions of this section, and execution issue accordingly; and it is hereby declared, that it shall not be lawful for said company to take possession of, occupy or use for the purposes of said canal, any lands, water, stream or streams, until compensation and damages shall be duly paid or tendered therefor, pursuant to the provisions of this act.

Sec. 7. *And be it enacted*, That in case the owner or owners of any such lands, water, or stream or streams as herein before mentioned, shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability, then and in such case the value of such lands, water, or stream or streams and damages, shall be ascertained by commissioners in manner as aforesaid, to be appointed on the application of said company or the lawful guardian of such owner or owners; and the amount of any award made in favor of such owner or owners shall be paid into the court of chancery of this state, for the use of such owner or owners, subject to the order of said court.

Proceedings where owners are under legal disability to convey.

Sec. 8. *And be it enacted*, That all proceedings under this act, to ascertain the value of any lands, water, stream or streams, to be used by the said company, except proceedings on appeals before provided for, shall be at the expense of and paid by the said company.

Expense to be paid by the company.

Sec. 9. *And be it enacted*, That it shall be lawful for said directors and their superintendents, agents, engineers, laborers and workmen, with carts, wagons and other carriages, and with beasts of draught and burden, and all necessary tools and implements, to enter upon all lands contiguous to the route of the said canal, doing as little damage thereto as possible, and repairing all breaches they may make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand or earth there, being most conveniently situated, and most suitable for making or repairing said canal or its locks, planes or other devices thereto be-

Company may enter upon lands contiguous to the route of canal.

longing; and the price or value of all such materials and damages occasioned by the taking thereof shall be agreed upon or otherwise ascertained, and paid, or tendered to be paid, in the manner herein before provided for, in relation to the water, lands, stream or streams necessary for said canal.

Powers and
duties of direc-
tors.

Sec. 10. *And be it enacted*, That the president and directors, or a majority of them, shall have power to elect and employ all engineers, treasurers, collectors, toll men, clerks, agents, artificers, workmen, servants, laborers and officers whatsoever, necessary in their judgment for conducting the affairs of the said company, and to dismiss them and elect others at their pleasure, and also shall have power to charge and collect tolls, and rates for the passage of all boats, goods, draught-cattle, wares, produce, merchandise and passengers whatsoever, upon the canal or upon its banks, and to make, enact, and at pleasure to change and re-enact such tolls and rates, and also rules and regulations for the levying and collection of the same, as to them may seem proper; *Provided*, the company shall at no time charge more than three cents per ton per mile, on the passage of coal, lime, gypsum, iron ore and stone, and a proportionate charge upon other articles, contemplating their bulk, weight and value; and a card thereof shall be put up in open and public view, at every place where toll shall be required to be paid.

Rates of toll.

Annual state-
ment to be ex-
hibited.

Sec. 11. *And be it enacted*, That at the general meeting of said stockholders, to be held annually, agreeably to this act, a general statement of the affairs of the company shall be made out and exhibited by the president and directors, or a majority of them, and the said president and directors, or a majority of them, may as often as shall appear to them expedient, declare and pay such dividends of the net proceeds of the company as they may think proper.

Stock personal
property.

Sec. 12. *And be it enacted*, That the stock of said company shall be deemed personal property, and shall be transferable on the books of the company, in such manner as the by-laws shall ordain.

Bridges to be
made when ca-
nal crosses
roads or farms.

Sec. 13. *And be it enacted*, That when the said canal shall cross any public road or farm, it shall be the duty of said company at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the use of said road or farms, by reason of said canal crossing the same, and also to make and maintain good and sufficient fences along the line of said canal, on both sides thereof, where the same may be necessary.

Right of action
for damages.

Sec. 14. *And be it enacted*, That nothing in this act shall be taken to impair the right of any person, to an action against the company for damages, to his or her lands, tenements or hereditaments or water rights, by the erection of said canal,

where such person hath not been agreed with by the company, or his or her damages, right and estate, satisfied and vested in said company, under the previous provisions of this act.

Sec. 15. *And be it enacted*, That the said canal when completed, shall forever thereafter be esteemed a public highway, free for the transportation of all goods, commodities, produce and passengers whatsoever, on payments of the tolls, and conforming to the rules and regulations made or authorized by this act; and the legislature may at any time hereafter appoint three commissioners to fix and regulate the tolls, to be taken on said canal, who, together with two commissioners, to be appointed by the company, shall fix and regulate the same, having due regard to the interest of the company, and of the citizens of this state; *Provided*, that they shall not reduce such tolls lower than one half of the greatest amount mentioned in the tenth section of this act.

Canal a public highway.

Tolls fixed by commissioners.

Sec. 16. *And be it enacted*, That it shall be lawful for said company, by means of a raceway or canal, to connect the waters of the Rockaway river from a point at or near the old Boonton works, below the Boonton falls, with the said canal, in that section thereof, which will be between said river and the aforesaid termination of said canal: *Provided*, that the waters so taken from the Rockaway river, and all waters taken from the Passaic river or any of its tributaries, by said company, or its successors or assigns, be not in any way mingled with or emptied into the Morris Canal, but shall be returned undiminished into said tributaries, or into the Passaic river, above the great falls of the Passaic; and for that purpose the said company are hereby vested with the same authority and right to enter upon all lands, for the purpose of exploring the route of said raceway or canal, and locating the same and taking possession of, appropriating and using all lands, useful and necessary for the same, and taking and using such materials for constructing and repairing said raceway or canal, as are contained in this charter, in relation to said canal, from Bottle Hill to the Morris Canal; and the value of all such lands, material, and the damages occasioned by the construction of said raceway or canal, shall be agreed upon or otherwise ascertained and paid for, in the same manner as is herein before provided for; and the said raceway or canal shall in all things be subject to the same restrictions and provisions, and the company be entitled to all the rights and privileges in relation to the same as are herein mentioned in respect to said principal canal; and that the provisions of the fourteenth section of this act shall be so construed as to extend to damages sustained, not only by the erection of said canal or raceway in the first instance, but also by the subsequent operations of said company, their successors and as-

Raceway may be continued.

Restrictions in connecting the waters of certain rivers with the canal.

Provisions of fourteenth section extended, in certain cases.

signs, as the same from time to time, may arise, any thing in this act contained to the contrary thereof notwithstanding.

Canal to be
completed in ten
years.

Sec. 17. *And be it enacted*, That this act shall be null and void, unless said company shall complete and open the said canal for the passage of boats, within ten years from the passage of this act, and that the funds of the said company, shall, at no time, be used in any banking operations.

Sec. 18. *And be it enacted*, That nothing contained in this act, shall be so construed as to affect the chartered rights or privileges of any company or incorporation heretofore authorized or created by the legislature of this state.

Act may be al-
tered or repeal-
ed.

Sec. 19. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, modify or amend this act, as the public good may require.

Passed February 26, 1834.

AN ACT to authorize a road to be laid out over a part of the State Lands, at Paterson.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the surveyors of the highways of the counties of Bergen and Essex, shall be, and they are hereby authorized, to lay out a public road, not exceeding three rods in width, over that part of the state lands at or near the town of Paterson, in the county of Essex, situate north of said town, and adjoining lands of John S. Vanwinkle; to commence on the north side of Broadway, in said town, and to run a northerly course to the bend of the Passaic river, at or near the fording place, near the house of John D. Ryerson, or the Grist Mill of John D. Ryerson, any thing in the act, entitled "An act to prevent public or private roads being laid out, or opened on or through lands belonging to this state," passed the third of November, eighteen hundred and fourteen, to the contrary notwithstanding; *Provided*, that the said surveyors, shall lay out said road from Broadway in Paterson, aforesaid, to Hoppertown in Bergen county, and the same be opened for public use, and a good and substantial bridge built thereon, across the Passaic river.

Passed February 26, 1834.

An ACT to incorporate the Union Fire Company of the borough of Pemberton, Burlington county.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Aaron Gaskill, Robert Rogers, Job R. Gaskill, Franklin W. Earl, Benjamin C. Gibbs, James Burroughs, and all other persons, not exceeding fifty in number, who now are or hereafter shall become members of the Union Fire Company of the borough of Pemberton, Burlington county, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the Union Fire Company of the borough of Pemberton; and, by such name. they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall not exceed one thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire hooks, engine houses, and other implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital stock.

Sec. 3. *And be it enacted,* That the said company shall have power to elect, annually, a president, out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office, shall deliver it over to his successor.

Officers to be chosen.

Sec. 4. *And be it enacted,* That all the privileges and exemptions contained in an act entitled "An act for the encouragement of fire companies," passed December fourteenth, eighteen hundred and twenty-six, be, and the same are hereby

Privileges and exemptions of company.

extended to all persons who now are or hereafter shall become and continue actual members of said company.

Act may be altered or repealed.

Sec. 12. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to amend, repeal or modify this act, as they shall think fit.

Passed February, 26, 1834.

AN ACT to authorize the removal of certain obstructions to the navigation of the river Delaware.

WHEREAS, it is represented, that certain obstructions have recently been placed in the river Delaware, at Scudder's Falls, which obstruct the navigation of said river, are productive of great loss and damage to the citizens of this state, and ought to be summarily removed—Therefore,

Commissioners appointed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Enoch Green, and Philip Fine, jun. of the county of Warren, and Cornelius Ludlow, of the county of Hunterdon, be, and are hereby authorized and empowered, with all necessary workmen and implements, to remove and clear out said obstructions so that the natural navigation of said river may be restored at the falls aforesaid.

Mode of payment of expenses.

Sec. 2. *And be it enacted*, That said commissioners shall keep a just and true statement of the expenses, incurred under the authority of this act, and transmit the same, under oath or affirmation, to the governor of this state, for the time being, who shall issue a warrant to the treasurer of the state, for the payment of the same, provided the amount thereof shall not exceed three hundred dollars.

Rights of incorporated companies not affected.

Sec. 5. *And be it enacted*, That nothing in this act shall be construed to interfere with the chartered rights of the Trenton Delaware Falls Company, or any other incorporated company, or to authorize said commissioners to remove any of the property or works of said company or companies, which do not impede the passage of rafts or loaded boats.

Passed February 26, 1834.

AN ACT to incorporate the Flemington Mining Company.

WHEREAS, Peter I. Stryker, and Albert Cammann, have, in behalf of themselves and their future associates, by their petition set forth, that they are in possession of a considerable mining district, near Flemington, in the county of Hunterdon and State of New-Jersey, containing mines of copper and other minerals and metals, and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorporating the said petitioners and their future associates, for the purpose of enabling them to work the said mines, and also to manufacture the ores thereof, in such manner as they may think proper—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Peter I. Stryker, and Albert Cammann, and such others as may hereafter be associated with them for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Flemington Mining Company;" and by that name, they and their successors and assigns, shall, and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the stock, property, concerns and affairs of the said corporation, shall be managed and conducted by seven directors, who shall be annually elected on the first Monday of January, at such time of the day and at such place, in the county of Hunterdon and state of New-Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Flemington, and in one printed at Somerville, and the election shall then and there be made by such of the stockholders, as shall attend for that purpose, in person or by proxy, and all elections shall be by ballot, each share having one vote, and the persons

Election of directors and mode of voting.

who shall have the greatest number of votes shall be the directors, and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot, one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors, elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 3. *And be it enacted*, That in case it should at any time happen, that an election of directors should not be made on the day, that, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Amount of capital.

Sec. 4. *And be it enacted*, That the capital stock of the said corporation, shall not exceed the sum of five hundred thousand dollars, and that a share in the said stock, shall be one hundred dollars; and it shall be lawful for the president and directors of the said corporation, to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days previous notice of such call and demand, in the newspapers before mentioned.

Duties of directors.

Sec. 5. *And be it enacted*, That a majority of the directors, for the time being, shall form a board, or quorum, for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear needful and proper, touching the concerns of the said corporation, and shall also have power to appoint and employ so many officers, clerks, and servants, for carrying on said business, and with such salaries and allowances, as to them shall seem meet.

Capital not to be employed in banking.

Sec. 6. *And be it enacted*, That nothing in this act contained, shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes than are herein before expressed.

Sec. 7. *And be it enacted*, That the stock of the said company, shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company, and that for all debts which shall

be due and owing by the said company, the persons then composing such company, shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real, or personal, which they may hold as a body corporate, from being liable.

Stockholders
liable for debts
of the company.

Sec. 8. *And be it enacted*, That no transfer of stock of said company, shall be valid or effectual until such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders.

Mode of trans-
ferring stock.

Sec. 9. *And be it enacted*, That the contracts entered into by the said Peter I. Stryker and Albert Cammann, touching and concerning leases, of any part of the said tract of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Certain previous
contracts bind-
ing the compa-
ny.

Sec. 10. *And be it enacted*, That this shall be a public act, and shall be judicially referred to by all judges, justices, and others, without being specially pleaded.

Passed February 26, 1834.

AN ACT to incorporate the Dingmans Choice and Delaware Bridge Company."

WHEREAS, the legislature of the Commonwealth of Pennsylvania, by an act passed the eleventh day of February, one thousand eight hundred and thirty-four, entitled "An act to incorporate the Dingman's Choice and Delaware Bridge Company," have appointed and authorized four commissioners, therein named, who, with the commissioners, to be appointed by the state of New-Jersey, shall be authorized to receive subscriptions to the capital stock of said company, at such times and places, in such manner and for such purposes as are set forth in the said act; AND WHEREAS, said act provides for the incorporating of the persons holding shares into a company with certain powers, privileges, and franchises, in the said act particularly set forth, to which act the concurrence of the legislature of the state of New-Jersey is requested, in order that the same may be carried into effect—Therefore,

Preamble:

AN ACT to incorporate "The Bottle Hill and Montville Canal Company."

Style of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all persons who may become subscribers in the manner hereinafter mentioned, and their successors and assigns, shall be, and are hereby incorporated, by the name of "The Bottle Hill and Montville Canal Company," and by that name shall be a body corporate and politic in law, and shall and may sue and be sued, plead and be impleaded in all courts and places, and shall have power and authority to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien, and sell all such lands, tenements and hereditaments, waters, streams and water privileges, rights, goods, chattels, and effects of every description whatsoever, as may be necessary for carrying into effect any of the provisions of this act, and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure, and to make and ordain such by-laws and regulations in relation to its canal and other property and concerns, as the board of directors or a majority of them, shall deem necessary and proper, and the same to alter, annul and re-enact at pleasure: *Provided,* the same be consistent with this act, and the constitution and laws of this state and of the United States.

Proviso.

Commissioners to receive subscriptions for stock.

Sec. 2. *And be it enacted,* That Jacob Wilson, Noadiah P. Thomas, Walter Kirkpatrick, Benjamin L. Condict and William Brittin, shall be commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of said company, in shares of fifty dollars each, and they, or a majority of them, shall open books for that purpose, at such times and places as they, or a majority of them shall designate, by public advertisements, inserted in the newspapers printed at Morristown in the county of Morris, for at least thirty days immediately preceding the time or times appointed for that purpose, and continue the same open from time to time, until the said stock, or sixty thousand dollars thereof, shall be subscribed; the sum of five dollars shall be paid to the commissioners at the time of subscribing, on each share, and the amount received by said commissioners shall be paid over by them to the directors of said company, to be appointed as hereafter mentioned, immediately after their appointment and entering upon the execution of their offices; and the directors, when appointed, shall have power to call in and require payment of the residue of such capital stock in such instalments, and at such times, as they may deem expedient, giving thirty days notice in the

newspapers aforesaid, of the demand of each instalment ; and no instalment of more than five dollars shall be required to be paid at one time.

Sec. 3. *And be it enacted,* That the managers of the concerns of the said company, shall be vested in seven directors, to be selected by the stockholders, and the directors shall choose by a plurality of votes, from among themselves, a president ; and as soon as conveniently may be, after the said capital or sixty thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders, by giving notice as aforesaid, at such time and place as they may designate in said notice, to elect the first board of directors, who shall hold their offices until the first Monday in April, eighteen hundred and thirty-five, and the subsequent elections of directors shall be holden annually on the first Monday in April, at such place as the directors, or a majority of them, shall appoint, upon like notice as aforesaid, to be given by said directors, or a majority of them ; and in case it shall so happen at any time that an election of directors shall not be made, when by this act it ought to be made, the said corporation shall not thereby be deemed to be dissolved, but the directors, last appointed, shall continue in office until others are chosen ; and the directors, or a majority of them, may order an election to be held at such time and place as they may see fit, giving notice thereof as aforesaid ; all elections for directors, shall be by ballot, and each stockholder shall have as many votes as he shall hold shares of the capital stock.

Time and mode
of electing di-
rectors.

Corporation not
dissolved by
failure to elect
on day pre-
scribed.

Sec. 4. *And be it enacted,* That the amount expended in the construction of the canal or raceway authorized by this act, shall not be subject to any state, county, township or other public taxes, assessments or charges whatsoever.

Amount expen-
ded on canal not
subject to tax.

Sec. 5. *And be it enacted,* That it shall be lawful for said company to make, construct and complete a canal or artificial navigation, commencing at or near the village of Bottle Hill, in the township of Chatham, in the county of Morris, and running through the townships of Hanover and Pequannock, to the Morris canal, so as to intersect the same within a mile of the lowest inclined plane at Montville, in the township of Pequannock, in said county, with all such locks, planes, works, devices, wharves, toll houses and offices necessary for the use of said canal ; and it shall be lawful for the said company, by its president and directors, or any agents, engineers, superintendents, contractors, or other person or persons by them employed, to enter from time to time, and at all times, upon all lands, for the purpose of exploring the route of said canal, and locating the same and the several works above specified, doing to the same no unnecessary damage, and when the route of said canal shall have been fixed upon and its several works located, by the directors or a majority of

Route of canal.

Company may
enter upon lands
in exploring.

them, and a survey thereof made and deposited in the clerk's office of the county of Morris, then it shall be lawful for them and their agents, contractors, and other persons by them employed, to enter upon, take possession of, and use all and singular such lands, water and streams, as may be necessary for said canal, subject to the provisions hereinafter contained.

Mode of proceeding, &c.

Sec. 6. *And be it enacted*, That where lands, waters and streams, that may be necessary and useful for said canal, shall not be made a free gift by the owner or owners thereof to the said company, then the said company shall pay to the owner or owners thereof, a just compensation to be mutually agreed upon, and in case of disagreement as to the value of such lands, waters or streams, then it shall be the duty of any judge of the Court of Common Pleas of the county of Morris, not in any way interested, upon the application of either party, and upon six days notice in writing given to the other party, to appoint three disinterested and judicious persons commissioners, to assess the price and value of such lands, water and streams, which said commissioners shall cause six days notice in writing, to be given to both parties of the time and place of their meeting, and having met and been duly sworn, honestly and faithfully to execute the duties of such appointment, shall proceed to view the lands, water and streams in question, and to hear the parties and their witnesses, if desired, which witnesses the commissioners or any one of them shall have authority to swear, and shall thereupon make such decision and award, as to them shall seem just and equitable, which decision and award shall be in writing, under the hands of the commissioners or two of them, and be transmitted together with a description of the lands, water, and stream or streams, the price or value of which shall be fixed by said decision and award to the judge who appointed them, and the said judge shall file the same, together with all papers relating to the application and proceeding, in the clerk's office of said county, there to remain as a public record, whereof said parties shall be entitled to take copies, from which decision and award either party may appeal to the Court of Common Pleas of the county of Morris, by petition, to be filed in the office of the clerk of said court, at any time within thirty days after such decision and award shall be filed as aforesaid, and the said Court of Common Pleas, shall have full power to hear and determine the matters in dispute between the parties, in relation to said decision and award; and in case either party shall demand it, a venire facias shall be awarded by said court, to assess the value of said lands, water, stream or streams, and all damages sustained by the owner or owners thereof, by reason of the said canal, and the same notice of trial shall be given and proceedings had as in other cases of trial by jury, if the appeal is brought by the owner or owners, and if the sum

awarded in the said court of common pleas, shall be greater than that found by the commissioners, then the costs of such appeal shall be recovered by said owner or owners of the said company, but if the sum awarded in such court be the same or less than that found by the commissioners, then the company shall recover the costs of the said appeal of such owner or owners; if the appeal is brought by the company and the sum awarded in the said court of common pleas, shall be the same or greater than that found by the commissioners, then the said owner or owners shall recover the costs of such appeal of the said company; if the sum awarded in said court shall be less than that found by the commissioners, then each party shall pay their own costs, and judgment shall be given in the said court of common pleas in all cases for the damages awarded, and costs, agreeably to the provisions of this section, and execution issue accordingly; and it is hereby declared, that it shall not be lawful for said company to take possession of, occupy or use for the purposes of said canal, any lands, water, stream or streams, until compensation and damages shall be duly paid or tendered therefor, pursuant to the provisions of this act.

Sec. 7. *And be it enacted*, That in case the owner or owners of any such lands, water, or stream or streams as herein before mentioned, shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability, then and in such case the value of such lands, water, or stream or streams and damages, shall be ascertained by commissioners in manner as aforesaid, to be appointed on the application of said company or the lawful guardian of such owner or owners; and the amount of any award made in favor of such owner or owners shall be paid into the court of chancery of this state, for the use of such owner or owners, subject to the order of said court.

Proceedings where owners are under legal disability to convey.

Sec. 8. *And be it enacted*, That all proceedings under this act, to ascertain the value of any lands, water, stream or streams, to be used by the said company, except proceedings on appeals before provided for, shall be at the expense of and paid by the said company.

Expense to be paid by the company.

Sec. 9. *And be it enacted*, That it shall be lawful for said directors and their superintendents, agents, engineers, laborers and workmen, with carts, wagons and other carriages, and with beasts of draught and burden, and all necessary tools and implements, to enter upon all lands contiguous to the route of the said canal, doing as little damage thereto as possible, and repairing all breaches they may make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand or earth there, being most conveniently situated, and most suitable for making or repairing said canal or its locks, planes or other devices thereto be-

Company may enter upon lands contiguous to the route of canal.

longing; and the price or value of all such materials and damages occasioned by the taking thereof shall be agreed upon or otherwise ascertained, and paid, or tendered to be paid, in the manner herein before provided for, in relation to the water, lands, stream or streams necessary for said canal.

Powers and
duties of direc-
tors.

Sec. 10. *And be it enacted*, That the president and directors, or a majority of them, shall have power to elect and employ all engineers, treasurers, collectors, toll men, clerks, agents, artificers, workmen, servants, laborers and officers whatsoever, necessary in their judgment for conducting the affairs of the said company, and to dismiss them and elect others at their pleasure, and also shall have power to charge and collect tolls, and rates for the passage of all boats, goods, draught-cattle, wares, produce, merchandise and passengers whatsoever, upon the canal or upon its banks, and to make, enact, and at pleasure to change and re-enact such tolls and rates, and also rules and regulations for the levying and collection of the same, as to them may seem proper; *Provided*, the company shall at no time charge more than three cents per ton per mile, on the passage of coal, lime, gypsum, iron ore and stone, and a proportionate charge upon other articles, contemplating their bulk, weight and value; and a card thereof shall be put up in open and public view, at every place where toll shall be required to be paid.

Rates of toll.

Annual state-
ment to be ex-
hibited.

Sec. 11. *And be it enacted*, That at the general meeting of said stockholders, to be held annually, agreeably to this act, a general statement of the affairs of the company shall be made out and exhibited by the president and directors, or a majority of them, and the said president and directors, or a majority of them, may as often as shall appear to them expedient, declare and pay such dividends of the net proceeds of the company as they may think proper.

Stock personal
property.

Sec. 12. *And be it enacted*, That the stock of said company shall be deemed personal property, and shall be transferable on the books of the company, in such manner as the by-laws shall ordain.

Bridges to be
made when ca-
nal crosses
roads or farms.

Sec. 13. *And be it enacted*, That when the said canal shall cross any public road or farm, it shall be the duty of said company at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the use of said road or farms, by reason of said canal crossing the same, and also to make and maintain good and sufficient fences along the line of said canal, on both sides thereof, where the same may be necessary.

Right of action
for damages.

Sec. 14. *And be it enacted*, That nothing in this act shall be taken to impair the right of any person, to an action against the company for damages, to his or her lands, tenements or hereditaments or water rights, by the erection of said canal,

where such person hath not been agreed with by the company, or his or her damages, right and estate, satisfied and vested in said company, under the previous provisions of this act.

Sec. 15. *And be it enacted*, That the said canal when completed, shall forever thereafter be esteemed a public highway, free for the transportation of all goods, commodities, produce and passengers whatsoever, on payments of the tolls, and conforming to the rules and regulations made or authorized by this act; and the legislature may at any time hereafter appoint three commissioners to fix and regulate the tolls, to be taken on said canal, who, together with two commissioners, to be appointed by the company, shall fix and regulate the same, having due regard to the interest of the company, and of the citizens of this state; *Provided*, that they shall not reduce such tolls lower than one half of the greatest amount mentioned in the tenth section of this act.

Canal a public highway.

Tolls fixed by commissioners.

Sec. 16. *And be it enacted*, That it shall be lawful for said company, by means of a raceway or canal, to connect the waters of the Rockaway river from a point at or near the old Boonton works, below the Boonton falls, with the said canal, in that section thereof, which will be between said river and the aforesaid termination of said canal: *Provided*, that the waters so taken from the Rockaway river, and all waters taken from the Passaic river or any of its tributaries, by said company, or its successors or assigns, be not in any way mingled with or emptied into the Morris Canal, but shall be returned undiminished into said tributaries, or into the Passaic river, above the great falls of the Passaic; and for that purpose the said company are hereby vested with the same authority and right to enter upon all lands, for the purpose of exploring the route of said raceway or canal, and locating the same and taking possession of, appropriating and using all lands, useful and necessary for the same, and taking and using such materials for constructing and repairing said raceway or canal, as are contained in this charter, in relation to said canal, from Bottle Hill to the Morris Canal; and the value of all such lands, material, and the damages occasioned by the construction of said raceway or canal, shall be agreed upon or otherwise ascertained and paid for, in the same manner as is herein before provided for; and the said raceway or canal shall in all things be subject to the same restrictions and provisions, and the company be entitled to all the rights and privileges in relation to the same as are herein mentioned in respect to said principal canal; and that the provisions of the fourteenth section of this act shall be so construed as to extend to damages sustained, not only by the erection of said canal or raceway in the first instance, but also by the subsequent operations of said company, their successors and as-

Raceway may be continued.

Restrictions in connecting the waters of certain rivers with the canal.

Provisions of fourteenth section extended, in certain cases.

signs, as the same from time to time, may arise, any thing in this act contained to the contrary thereof notwithstanding.

Sec. 17. *And be it enacted*, That this act shall be null and void, *unless* said company shall complete and open the said canal for the passage of boats, within ten years from the passage of this act, and that the funds of the said company, shall, at no time, be used in any banking operations.

Canal to be
completed in ten
years.

Sec. 18. *And be it enacted*, That nothing contained in this act, shall be so construed as to affect the chartered rights or privileges of any company or incorporation heretofore authorized or created by the legislature of this state.

Act may be al-
tered or repeal-
ed.

Sec. 19. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, modify or amend this act, as the public good may require.

Passed February 26, 1834.

AN ACT to authorize a road to be laid out over a part of the State Lands, at Paterson.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the surveyors of the highways of the counties of Bergen and Essex, shall be, and they are hereby authorized, to lay out a public road, not exceeding three rods in width, over that part of the state lands at or near the town of Paterson, in the county of Essex, situate north of said town, and adjoining lands of John S. Vanwinkle; to commence on the north side of Broadway, in said town, and to run a northerly course to the bend of the Passaic river, at or near the fording place, near the house of John D. Ryerson, or the Grist Mill of John D. Ryerson, any thing in the act, entitled "An act to prevent public or private roads being laid out, or opened on or through lands belonging to this state," passed the third of November, eighteen hundred and fourteen, to the contrary notwithstanding; *Provided*, that the said surveyors, shall lay out said road from Broadway in Paterson, aforesaid, to Hoppertown in Bergen county, and the same be opened for public use, and a good and substantial bridge built thereon, across the Passaic river.

Passed February 26, 1834.

An ACT to incorporate the Union Fire Company of the borough of Pemberton, Burlington county.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Aaron Gaskill, Robert Rogers, Job R. Gaskill, Franklin W. Earl, Benjamin C. Gibbs, James Burroughs, and all other persons, not exceeding fifty in number, who now are or hereafter shall become members of the Union Fire Company of the borough of Pemberton, Burlington county, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the Union Fire Company of the borough of Pemberton; and, by such name, they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall not exceed one thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire hooks, engine houses, and other implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital stock.

Sec. 3. *And be it enacted,* That the said company shall have power to elect, annually, a president, out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office, shall deliver it over to his successor.

Officers to be chosen.

Sec. 4. *And be it enacted,* That all the privileges and exemptions contained in an act entitled "An act for the encouragement of fire companies," passed December fourteenth, eighteen hundred and twenty-six, be, and the same are hereby

Privileges and exemptions of company.

extended to all persons who now are or hereafter shall become and continue actual members of said company.

Act may be altered or repealed.

Sec. 12. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to amend, repeal or modify this act, as they shall think fit.

Passed February, 26, 1834.

AN ACT to authorize the removal of certain obstructions to the navigation of the river Delaware.

WHEREAS, it is represented, that certain obstructions have recently been placed in the river Delaware, at Scudder's Falls, which obstruct the navigation of said river, are productive of great loss and damage to the citizens of this state, and ought to be summarily removed—Therefore,

Commissioners appointed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Enoch Green, and Philip Fine, jun. of the county of Warren, and Cornelius Ludlow, of the county of Hunterdon, be, and are hereby authorized and empowered, with all necessary workmen and implements, to remove and clear out said obstructions so that the natural navigation of said river may be restored at the falls aforesaid.

Mode of payment of expenses.

Sec. 2. *And be it enacted*, That said commissioners shall keep a just and true statement of the expenses, incurred under the authority of this act, and transmit the same, under oath or affirmation, to the governor of this state, for the time being, who shall issue a warrant to the treasurer of the state, for the payment of the same, provided the amount thereof shall not exceed three hundred dollars.

Rights of incorporated companies not affected.

Sec. 5. *And be it enacted*, That nothing in this act shall be construed to interfere with the chartered rights of the Trenton Delaware Falls Company, or any other incorporated company, or to authorize said commissioners to remove any of the property or works of said company or companies, which do not impede the passage of rafts or loaded boats.

Passed February 26, 1834.

AN ACT to incorporate the Flemington Mining Company.

WHEREAS, Peter I. Stryker, and Albert Cammann, have, in behalf of themselves and their future associates, by their petition set forth, that they are in possession of a considerable mining district, near Flemington, in the county of Hunterdon and State of New-Jersey, containing mines of copper and other minerals and metals, and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorporating the said petitioners and their future associates, for the purpose of enabling them to work the said mines, and also to manufacture the ores thereof, in such manner as they may think proper—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Peter I. Stryker, and Albert Cammann, and such others as may hereafter be associated with them for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Flemington Mining Company;" and by that name, they and their successors and assigns, shall, and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the stock, property, concerns and affairs of the said corporation, shall be managed and conducted by seven directors, who shall be annually elected on the first Monday of January, at such time of the day and at such place, in the county of Hunterdon and state of New-Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Flemington, and in one printed at Somerville, and the election shall then and there be made by such of the stockholders, as shall attend for that purpose, in person or by proxy, and all elections shall be by ballot, each share having one vote, and the persons

Election of directors and mode of voting.

who shall have the greatest number of votes shall be the directors, and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot, one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors, elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 3. *And be it enacted*, That in case it should at any time happen, that an election of directors should not be made on the day, that, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Amount of capital.

Sec. 4. *And be it enacted*, That the capital stock of the said corporation, shall not exceed the sum of five hundred thousand dollars, and that a share in the said stock, shall be one hundred dollars; and it shall be lawful for the president and directors of the said corporation, to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days previous notice of such call and demand, in the newspapers before mentioned.

Duties of directors.

Sec. 5. *And be it enacted*, That a majority of the directors, for the time being, shall form a board, or quorum, for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear needful and proper, touching the concerns of the said corporation, and shall also have power to appoint and employ so many officers, clerks, and servants, for carrying on said business, and with such salaries and allowances, as to them shall seem meet.

Capital not to be employed in banking.

Sec. 6. *And be it enacted*, That nothing in this act contained, shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes than are herein before expressed.

Sec. 7. *And be it enacted*, That the stock of the said company, shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company, and that for all debts which shall

be due and owing by the said company, the persons then composing such company, shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real, or personal, which they may hold as a body corporate, from being liable.

Stockholders
liable for debts
of the company.

Sec. 8. *And be it enacted*, That no transfer of stock of said company, shall be valid or effectual until such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders.

Mode of trans-
ferring stock.

Sec. 9. *And be it enacted*, That the contracts entered into by the said Peter I. Stryker and Albert Cammann, touching and concerning leases, of any part of the said tract of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Certain previous
contracts bind-
ing the compa-
ny.

Sec. 10. *And be it enacted*, That this shall be a public act, and shall be judicially referred to by all judges, justices, and others, without being specially pleaded.

Passed February 26, 1834.

AN ACT to incorporate the Dingmans Choice and Delaware Bridge Company."

WHEREAS, the legislature of the Commonwealth of Pennsylvania, by an act passed the eleventh day of February, one thousand eight hundred and thirty-four, entitled "An act to incorporate the Dingman's Choice and Delaware Bridge Company," have appointed and authorized four commissioners, therein named, who, with the commissioners, to be appointed by the state of New-Jersey, shall be authorized to receive subscriptions to the capital stock of said company, at such times and places, in such manner and for such purposes as are set forth in the said act; **AND WHEREAS**, said act provides for the incorporating of the persons holding shares into a company with certain powers, privileges, and franchises, in the said act particularly set forth, to which act the concurrence of the legislature of the state of New-Jersey is requested, in order that the same may be carried into effect—Therefore,

Preamble:

Commissioners
to receive sub-
scriptions.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Peter Young, John Bell, John Layton and Benjamin Tuttle, all of the county of Sussex, in the state of New-Jersey, be, and they are hereby appointed commissioners, together with the commissioners appointed by the legislature of the commonwealth of Pennsylvania, as aforesaid, to receive subscriptions to the said capital stock; and that all the power and authority given by the above recited act of the legislature of the Commonwealth of Pennsylvania, to the commissioners therein named, be, and the same are hereby given to the commissioners appointed by this act.

Act incorpora-
ting the compa-
ny, confirmed by
his state.

Sec. 2. *And be it enacted,* That all and singular the power and authority given by the said recited act of the legislature of Pennsylvania, to the judges of the court of common pleas of said state; and the company to be incorporated by virtue of the said act, be, and the same is hereby given in like manner to the justices of the supreme court of this state, and the said subscribers and company to be incorporated by virtue of this act; and that the assent of this state be, and the same is hereby given, to the said recited act of the legislature of the state of Pennsylvania, and the same is hereby adopted, ratified and confirmed, by this state, as fully and as amply as if the same had been re-enacted at large, section by section, and the provisions thereof shall be of full force and effect within this state.

Passed February 26, 1834.

AN ACT to incorporate the Manufacturers Bank at Bellville.

AN ACT to incorporate the Manufacturers Bank at Bellville.

Style of incor-
poration.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Zenas S. Crane, John Dow, Anthony Rutgers, John Williams, William Stephens, Nicholas N. Joralemon, Abram V. Speer, William H. Brant, Ralph Pomeroy, Joseph Kingsland, Cornelius G. Vanriper, George Kingsland and William B. Baldwin, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Manufacturers Bank at Belleville," and by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered

unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, **Powers.** and causes whatsoever, and may have a common seal, and may change, alter and renew the same at pleasure, and by the same name shall be, and are hereby made capable in law, of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: *Provided*, that the said **Provided.** corporation shall in no case be owner of any ships or vessels, or directly deal or trade in any thing, except bills of exchange, promissory notes, gold and silver bullion, stock of the United States, and such ships or vessels, goods wares and merchandise, as shall be truly pledged to them, by way of security for debts due, owing or growing due, to the said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its lands; *Provided also*, that **Provided.** the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation, for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it, by way of security for loans or contracts made, or conveyed to it in full, or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgments, for the purpose of bona fide securing any debt or debts due to the said corporation.

Sec. 2. And be it enacted, That the capital stock of the **Amount of capital stock.** said corporation shall be one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to three hundred thousand dollars, at any time during the continuance of this charter; and that the subscription to the said capital stock be received by Jacob K. Mead, Aaron A. Van Houten, John C. Lloyd, William Dow, and Caleb Neagles, John Kennedy, and John Lee, which said commissioners, or a majority of them, shall **Commissioners to receive subscriptions for stock.** open books of subscription at Belleville; and said books shall be kept open for the space of five days, giving twenty days' previous notice in two newspapers published at Newark; and if the whole amount shall not within that time be subscribed, the said commissioners, or a majority of them, may continue to keep the books open until the whole capital stock be subscribed; and if more subscriptions be taken than the **If more be subscribed than the amount of capital stock, a fair apportionment to be made.** amount of the capital stock, it shall be the duty of the commissioners, or a majority of them, to make a fair and just apportionment of the stock among the subscribers, giving a preference to the citizens of New-Jersey; and upon the closing of the said books of subscription, or within five days thereafter, the said commissioners shall pay over to the directors hereinafter appointed, the whole amount of money which they, or any of them, may have received upon the said subscriptions.

Qualifications of directors.

Time and place of election.

Manner of election.

First Directors.

Sec. 3. And be it enacted, That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be bona fide stockholders, owning, in their own right, respectively, at least ten shares of the capital stock of said bank, and be citizens of the United States and of this state, and of whom, at least eight, together with the president, shall have been resident within the township of Bloomfield, in Essex county, for at least one year immediately preceding their election; which directors shall hold their offices for one year, and shall be elected on the first Tuesday in February, in every year, in the banking-house, at such time of the day as the board of directors for the time being, shall appoint; and notice shall be given, by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the newspapers printed in the town of Newark; and for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for are qualified to be elected directors, and, after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held in his, her, or their names, and in his, her, or their own right, at least three months before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen, at any election, that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed, by ballot, and plurality of votes, to determine which of the persons having an equal number, shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed in like manner, to elect one of their number by ballot, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and that Zenas S. Crane, John Dow, Anthony Rutgers, John Williams, William Stephens, Nicholas N. Joralemon, Abram V. Speer, William H. Brant, Ralph Pomeroy, Joseph Kingsland, Cornelius G. Vanriper,

George Kingsland, and William B. Baldwin, shall be directors, and shall hold their offices, respectively, until the first Tuesday in February, in the year of our Lord one thousand eight hundred and thirty-five, and until others shall be chosen by the stockholders.

● **Sec. 4.** *And be it enacted,* That seven directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation: *Provided*, that no discount shall be made on any note or notes, bill, or bills, without at least one good endorser.

Sec. 5. *And be it enacted,* That the directors, for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the government of the said corporation, the management and disposition of the stock, business, and effects thereof, the time, manner, and terms at and upon which discounts and deposits, shall be made and received by the said corporation; the duties and conduct of the officers, clerks, and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall have power to appoint as many officers, clerks and servants, for carrying on said business, and with salaries and allowances as to them shall seem meet: *Provided always*, that such by-laws, rules and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States, or of this state: *And provided further*, that the cashier of the said bank shall be annually appointed; and that upon the appointment or re-appointment of said cashier, he shall take an oath or affirmation, faithfully to perform the duties of his office, and that he will not, knowingly or wilfully suffer any director of the said bank wrongfully to convert the funds of the said bank to his own use, by overdrawing his account or otherwise; and that in case it shall come to his knowledge that any director has wrongfully converted any part of the funds of the said bank to his own use, that he will give notice thereof to the board of directors, at their then next meeting, and shall give bond, with two or more sureties, in a sum not less than twenty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank.

Powers and duties of directors

Cashier to be annually appointed, &c.

Sec. 6. *And be it enacted,* That the said corporation shall not issue bills of a less denomination than one dollar; and that the stock of the said corporation shall be considered as personal property; and that the said stock, and the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing to the capital stock of said bank, shall pay, at the time

Stock subject to taxation.

Stock forfeited
on failure to pay
instalments.

of subscribing, to the commissioners receiving such subscriptions, the sum of five dollars, in specie or notes of the Bank of the United States, or of banks in this state, or the city of New-York or Philadelphia, which pay their notes in specie on demand, upon every share so by him subscribed; and the directors of said company may require payment for the remaining instalments which shall have been subscribed, at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments made thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published, at least thirty days, in two of the newspapers printed in the town of Newark; *Provided*, that no instalment to be paid, shall exceed five dollars on a share.

Transfer of
stock, &c.

Sec. 7. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual until any debt or debts which may be due to the said corporation from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books, to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe over and above the actual deposits in the said bank, shall not exceed twice the sum of the capital stock subscribed and actually paid into the bank.

Bills under seal
assignable by
endorsement.

Bills not under
seal assignable
and negotiable.

Proviso.

Sec. 8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees, successively, and so as to enable such assignee or assignees, to bring and maintain an action thereupon in his, her or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money, to any person or persons, his, her or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect, as upon any private person or persons, if issued by him or them in their private and natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation: *Provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual

dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable; but they shall make no dividend of any part of the capital stock.

Semi-Annual dividends made.

Sec. 10. *And be it enacted*, That the rate of discounts at which loans may be made by the said corporation, shall not exceed the legal rate of interest of this state for the time being: *Provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof.

Rate of discount on loans.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually, to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter, and all the privileges hereby conferred shall cease, and be forever at an end.

Annual statement to be made.

Sec. 12. *And be it enacted*, That if at any time after the passing of this act, the said president, directors, and company, shall neglect, on demand being made at their banking house during the regular hours of doing business, to redeem, in specie or other lawful money of the United States, their said bills, notes, or other evidence of debt, issued by the said corporation, the said president, directors, and company, shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise.

Charter forfeited on failure to redeem notes in specie.

Sec. 13. *And be it enacted*, That if the bank shall at any time refuse or neglect to pay in gold or silver, any bill, note, or other evidence of debt, agreeably to the tenor thereof, which it has issued, and which shall be presented for payment during its regular hours of business, it shall be the duty of the cashier, and he is hereby required, at the time of such refusal, or neglect, to endorse on such bill, note, or other evidence of debt, the fact, and the time of such refusal or neglect, and subscribe his name thereto, and the holder of such bill, note, or other evidence of debt, shall be entitled to receive interest for the same, at the rate of ten per cent. per annum, until paid, provided a demand therefor, in manner aforesaid, shall be made every three months from the time of such endorsement; *Provided also*, that nothing in this section shall be construed to prevent the said bank from redeeming its own notes with the notes of any other bank in whose behalf the same shall be presented for payment.

Interest paid to note holders from time of refusal on demand of payment.

Sec. 14. *And be it enacted*, That the president and directors of said corporation, shall individually, and jointly and severally, be, and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes,

President and directors jointly and severally liable for notes issued by the bank.

Stock forfeited
on failure to pay
instalments.

of subscribing, to the commissioners receiving such subscriptions, the sum of five dollars, in specie or notes of the Bank of the United States, or of banks in this state, or the city of New-York or Philadelphia, which pay their notes in specie on demand, upon every share so by him subscribed; and the directors of said company may require payment for the remaining instalments which shall have been subscribed, at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments made thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published, at least thirty days, in two of the newspapers printed in the town of Newark; *Provided*, that no instalment to be paid, shall exceed five dollars on a share.

Transfer of
stock, &c.

Sec. 7. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual until any debt or debts which may be due to the said corporation from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books, to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe over and above the actual deposits in the said bank, shall not exceed twice the sum of the capital stock subscribed and actually paid into the bank.

Bills under seal
assignable by
endorsement.

Bills not under
seal assignable
and negotiable.

Proviso.

Sec. 8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees, successively, and so as to enable such assignee or assignees, to bring and maintain an action thereupon in his, her or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money, to any person or persons, his, her or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect, as upon any private person or persons, if issued by him or them in their private and natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation: *Provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual

dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable; but they shall make no dividend of any part of the capital stock.

Semi-Annual dividends made.

Sec. 10. *And be it enacted*, That the rate of discounts at which loans may be made by the said corporation, shall not exceed the legal rate of interest of this state for the time being: *Provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof.

Rate of discount on loans.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually, to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter, and all the privileges hereby conferred shall cease, and be forever at an end.

Annual statement to be made.

Sec. 12. *And be it enacted*, That if at any time after the passing of this act, the said president, directors, and company, shall neglect, on demand being made at their banking house during the regular hours of doing business, to redeem, in specie or other lawful money of the United States, their said bills, notes, or other evidence of debt, issued by the said corporation, the said president, directors, and company, shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise.

Charter forfeited on failure to redeem notes in specie.

Sec. 13. *And be it enacted*, That if the bank shall at any time refuse or neglect to pay in gold or silver, any bill, note, or other evidence of debt, agreeably to the tenor thereof, which it has issued, and which shall be presented for payment during its regular hours of business, it shall be the duty of the cashier, and he is hereby required, at the time of such refusal, or neglect, to endorse on such bill, note, or other evidence of debt, the fact, and the time of such refusal or neglect, and subscribe his name thereto, and the holder of such bill, note, or other evidence of debt, shall be entitled to receive interest for the same, at the rate of ten per cent. per annum, until paid, provided a demand therefor, in manner aforesaid, shall be made every three months from the time of such endorsement; *Provided also*, that nothing in this section shall be construed to prevent the said bank from redeeming its own notes with the notes of any other bank in whose behalf the same shall be presented for payment.

Interest paid to note holders from time of refusal on demand of payment.

Sec. 14. *And be it enacted*, That the president and directors of said corporation, shall individually, and jointly and severally, be, and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes,

President and directors jointly and severally liable for notes issued by the bank.

that they or any of them may issue and circulate, and upon demand of payment being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and, upon judgment being rendered, execution shall issue thereon.

When the bank
may issue notes.

Sec. 15. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that seventy-five thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to the provisions of this act.

Limitation.

Act may be al-
tered or repealed

Sec. 16. *And be it enacted*, That this act shall be and continue in force until the first day in January, one thousand eight hundred and fifty-five, and no longer; *And further*, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Passed February 26, 1834.



A SUPPLEMENT to the act, entitled "An act to incorporate the Princeton and Kingston Branch Turnpike Company," passed December third, eighteen hundred and seven.

Preamble.

WHEREAS, it hath been represented to this legislature, that a further increase of the capital stock of the Princeton and Kingston Branch Turnpike Company, is necessary in order to enable said company to put their road in better traveling condition, by taking advantage of so much of the McAdamized or other systems of road making, as may be usefully applied to their said turnpike, so as not to interfere with the vested rights of other companies—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the directors of the

Princeton and Kingston Branch Turnpike Company, or a majority of them, at any time they may see proper, to open books to receive subscriptions for the purpose of increasing their stock to any amount not exceeding two hundred and fifty thousand dollars, by giving at least twenty days notice in one of the newspapers published at Princeton or Trenton.

Subscription may be opened for additional stock.

Sec. 2. *And be it enacted*, That it shall and may be lawful for said company to improve their road by McAdamizing, or otherwise, in such manner as they may see fit; *Provided*, that nothing herein contained shall be so construed as to interfere with the privileges of any other incorporated company.

Road may be McAdamized.

Sec. 3. *And be it enacted*, That it shall and may be lawful for said company to extend their road from any point thereof, to any point of the Georgetown and Franklin Turnpike road, as may be deemed advisable, subject to the provisions of the act to which this is a supplement, and if they think proper, they may pursue the course of said Georgetown and Franklin Turnpike road to its termination at the head of Albany street, in the city of New-Brunswick, by and with the consent of said Georgetown and Franklin Turnpike Company, in the same manner as is herein and hereby authorized.

Company to extend the road.

4. AND WHEREAS, the said Princeton and Kingston Branch Turnpike Company, have expended thirty-five thousand dollars on their road, for which they have the right of charging one cent per horse per mile, Therefore, BE IT ENACTED, That the said company may charge as tolls for travelling on said turnpike, in the ratio of one cent per horse per mile, for every additional thirty-five thousand dollars expended on said road.

Tolls increased.

Sec. 5. *And be it enacted*, That the additional stock hereby authorized to be created, shall be in shares of twenty-five dollars each, which shall be deemed and considered a part of the capital stock of said company, and be entitled to all the privileges and subject to all the regulations of the present capital stock of said company.

Additional stock considered part of capital stock.

Sec. 6. *And be it enacted*, That this supplement shall not take effect until the persons holding three fourths of the stock of said company shall assent, in writing, to the provisions of the same, and such consent be filed in the office of the secretary of this state.

When act to take effect.

Passed February 26, 1834.

AN ACT to divorce John Pierson from his wife Catharine Pierson.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Pierson, of the county of Essex, be, and he is hereby divorced from his wife, Catharine Pierson, and that the marriage contract heretofore existing between them, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 26, 1834.

AN ACT to incorporate the Farmers' and Mechanics' Bank of New-Brunswick.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are, and shall be hereby constituted and made a body corporate and politic, by the name and style of "The Farmers' and Mechanics' Bank of New-Brunswick," and by that name shall be known in law, and shall have power to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements and heriditaments, goods, chattels, and effects of what nature or kind soever, necessary for the purposes of this corporation; and the same to grant, demise, alien and dispose of at pleasure, for the benefit of the said corporation; and may also have a common seal, and alter and renew the same at pleasure; and also may make such by-laws and establish such rules and regulations as shall seem necessary and expedient for the well government of the said institution, and put the same in execution; *Provided,* that the same be not repugnant to the constitution and laws of the United States, nor of this state; and may also appoint all such officers, agents and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and allow such compensation for their services as shall be right and proper.

Style of incorporation.

Powers.

Proviso.

Sec. 2. And be it enacted, That the capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same to two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; and that the sum of fifty thousand dollars shall be subscribed and actually paid in, before the said corporation shall be allowed to commence business.

Sec. 3. And be it enacted, That John Bray, James S. Nevius, Lewis Carman, Peter N. Pool, Abraham Suydam, Charles Morgan, Littleton Kirkpatrick, David Mercereau, James C. Zabriskie, Andrew Agnew, Miles C. Smith, and C. L. Hardenbergh, be, and they are appointed commissioners, to receive subscriptions for the said stock, in the city of New-Brunswick, first giving two weeks previous notice in the newspapers, printed in said city, of the time and place of opening the books of subscription, which shall remain open from day to day, (Sundays excepted) for ten days, unless the whole amount of the said stock shall be sooner subscribed.

Commissioners
to receive sub-
scriptions.

Sec. 4. And be it enacted, That the sums subscribed shall be paid in the following manner, to wit: five dollars on each share, at the time of subscribing, to the commissioners aforesaid, and the remainder in such instalments, and at such times as the president and directors shall appoint; *Provided*, that previous notice of the time when such instalments shall be required to be paid, shall be published at least three weeks in the newspapers of the city of New-Brunswick.

Mode of pay-
ment of stock.

Sec. 5. And be it enacted, That any person, co-partnership or body politic, failing to pay any instalment, or part thereof, pursuant to the provisions of the fourth section, shall forfeit to the said corporation, every share upon which there shall be a deficiency, and all moneys thereon previously paid.

Stock forfeited
on failure to pay
instalments.

Sec. 6. And be it enacted, That as soon as two thousand shares shall be subscribed, the commissioners aforesaid, or any seven of them, may call a meeting of the subscribers, at New-Brunswick, by giving at least three weeks previous notice in the newspapers printed in that city; and the subscribers assembled in pursuance of such notice, shall choose, by ballot, from among the subscribers, by a majority of votes of such as are present, or by proxy, eleven directors, who shall be citizens of this state, who shall serve until the second Monday in May, eighteen hundred and thirty-five, on which day, and on the same day annually thereafter, (during the continuance of their charter) a like election shall be made, a majority of which directors, shall, at all times, be inhabitants of the city of New-Brunswick; and in case of the death, refusal, resignation, disqualification, or removal of any director, the remaining members, at their next meeting thereafter, shall elect, by ballot, another person in his place, for the residue of the term; and the directors, or any seven of them, at

Election of first
directors.

Time of annual
election of di-
rectors.

President to be chosen.

their first meeting after every general election, shall elect from among themselves, by a majority of the members present, by ballot, a president, who shall be an inhabitant of the state of New-Jersey; and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors shall meet as soon as conveniently can be thereafter, and elect in the manner before mentioned, another person, qualified as aforesaid, for president.

Mode of conducting elections.

Sec. 7. *And be it enacted*, That for the well regulating and conducting of the election of directors, the stockholders, at their first general meeting, shall appoint three from among themselves, who shall be judges of said election, for the first term; and that at every election thereafter, the president and directors, for the time being, shall appoint three stockholders, not being directors, to be judges of the same; and that each stockholder shall be entitled to one vote for each share holden by him; *Provided*, that he shall have held such share for at least twenty days next preceding an election, and shall be a citizen of this state.

Quorum for transaction of business.

Sec. 8. *And be it enacted*, That seven directors shall constitute a quorum for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, and in such case, his place may be supplied pro tempore, by any other director, chosen by a majority of the directors so met for business.

Mode of transferring stock.

Sec. 9: *And be it enacted*, That the stock of the corporation shall be deemed personal property, and that no transfer of said stock shall be valid, unless it shall be made upon the transfer book of said corporation.

President and directors jointly and severally liable for notes issued.

Sec. 10. *And be it enacted*, That the total amount of the debts which the said corporation shall at any time owe, whether by bond or bill or note, or other contract, shall not exceed double the amount of the capital paid in; that the president and directors of the corporation shall, in their individual capacities, and jointly and severally, be and continue liable to every creditor for the payment of all bills obligatory or of credit, note or notes, that they or any of them may issue and circulate, and upon demand of payment being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the president and directors of the said company, in their individual capacities and jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare thereon generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue.

Sec. 11. *And be it enacted*, That it shall be lawful for the directors of the said corporation, to make semi-annual divi-

dividends to the stockholders, of so much of the profits of the banking business, as to said directors may seem advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of said corporation, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same, in their natural and private capacities, and an action of debt may be brought in such case, against them, or any of them, their heirs, executors, or administrators, in any court of record of this state, by any creditor of said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding; and such of the directors as may have been absent when such dividend took place, or may have dissented from the act or resolution directing the same, may exonerate themselves from such liability, by forthwith giving notice of the fact of their absence or dissent, to the governor of the state for the time being, and to the stockholders at a general meeting, which they, the said directors, shall have power to call for that purpose.

Semi-annual dividends to be made.

If dividend of any part of capital is made, directors liable.

Sec. 12. *And be it enacted*, That none but a stockholder, being a citizen of the United States, and resident in and citizen of the state of New-Jersey, shall be eligible as a director; and no director shall be entitled to any emolument, unless the same shall be allowed by the stockholders, at a general meeting; the stockholders shall make such compensation to the president for his extraordinary services and attendance upon the business of said corporation, as shall appear to them reasonable.

Qualifications of directors.

Sec. 13. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively, and shall enable such assignee or assignees, to bring and maintain an action thereupon, in his, her, or their name or names; and bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like effect, as upon any private person or persons, if issued by him or them, in their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by any private person or persons, that is to say: those which shall be payable to any person or persons, his, her, or their order, shall be assignable and negotiable by endorsement in like manner, and with the like effect as fo-

Bills under seal assignable by endorsement.

Bills not under seal assignable and negotiable.

reign bills of exchange now are, and those which shall be payable to bearer, shall be negotiable or assignable by delivery.

What real estate may be held.

Sec. 14. *And be it enacted*, That it shall and may be lawful for the said corporation to purchase and hold such, and so much of the said real estate as shall be necessary for their convenient accommodation in the transaction of their business; and also such as shall be bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts, previously contracted, in the course of its dealings, or purchased at sales upon judgments which shall be obtained for such debts.

Restrictions.

Rate of interest.

Stock may be taxed.

Sec. 15. *And be it enacted*, That the corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, promissory notes, gold and silver bullion, or in the sale of goods which shall be the produce of its lands; nor shall the said corporation take more than at the rate of six per centum per annum, for, or upon its loans or discounts, and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected and paid in the same manner as taxes on other banks in this state, now are or hereafter may be recovered.

Election of cashier.

Cashier to give bond.

Oath of directors and cashier.

Sec. 16. *And be it enacted*, That the votes of seven of the directors shall be necessary to a choice of the cashier of this corporation, who shall hold his office during the pleasure of the directors, for the time being, and every cashier, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than forty thousand dollars, with condition for his good behaviour; and every director and cashier, before entering upon the duties of their respective offices, shall take the following oath or affirmation, as the case may be: I, do swear (or affirm) that I will faithfully execute the duties of agreeably to the provisions of the law and the trust reposed in me, to the best of my skill and understanding.

Annual statement to be exhibited.

Sec. 17. *And be it enacted*, That the president and directors shall not be authorized to issue any bank notes for any sum under one dollar; and that at the annual meeting for the choice of directors, a balance of the books shall be exhibited, and a statement of the affairs and business of the corporation for the preceding year, shall be made out and shown for the general satisfaction of the stockholders; and that the books of said corporation shall, at all times, during banking hours, be open for the inspection of the stockholders.

Interest allowed to special depositors.

Sec. 18. *And be it enacted*, That on all special deposits, there shall be allowed, to such depositors, three per cent.

for the time being provided such deposits are not withdrawn by draft, or otherwise, within sixty days.

Sec. 19. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors, and company, shall neglect on demand being made at their banking-house during their regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said corporation, the said president, directors, and company shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise; *provided*, the same be not resumed within seven days, and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid as aforesaid, or otherwise satisfied.

Charter forfeited
on failure to pay
specie for notes.

Damages paid
to holders of
notes on failure
to pay.

Sec. 20. *And be it enacted*, That the president and directors of said corporation, shall, individually, and jointly and severally, be and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate, and upon demand of payment being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the said persons, then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs, to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and, upon judgment being rendered, execution shall issue thereon.

President and
directors jointly
and severally
liable for notes
issued.

Sec. 21. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thence forth this charter, and all the privileges hereby conferred, shall cease, and be forever at an end.

Annual state-
ment to be made
to legislature.

Passed February 26, 1834.

When bank to
go into opera-
tion.

books, and all other books and papers whatsoever, which shall be in their hands, and belonging and appertaining to the said corporation; and shall also pay over to the said directors, all moneys which they shall have received on account of said subscription; and the said directors shall have power to call in and demand from the stockholders, payment of the sums remaining due upon the shares subscribed, at such times and in such instalments or proportions, as they or a majority of them shall deem proper and requisite, under the penalty of forfeiture as aforesaid; and that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of the said corporation have been subscribed and paid, in conformity to the provisions of this act.

Time, place,
and mode of
election of di-
rectors.

Sec. 5. *And be it enacted,* That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, all of whom shall be stockholders and citizens of this state, which directors shall hold their offices for one year, and shall be elected on the first Monday in April in every year, in the banking house, at such time of the day as the board of directors for the time being, shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers printed at Princeton; for the well ordering of which election, the directors shall previously thereto, appoint three stockholders, not being directors, to be judges of election, who shall conduct and regulate the same; they shall determine whether the persons voted for are eligible to be elected directors, and after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held in his, her, or their names, at least three months before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen, at any election, that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes, to determine which of the persons so having an equal number, shall be the director or directors, so as to complete the whole number, and the directors so elected, as soon as may be thereafter, shall proceed in like manner. to elect one of their number by

ballot, who shall be their president; who shall be an inhabitant of the place, living within three miles of the banking house of said company, and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint: *Provided nevertheless*, that as soon as one thousand shares shall be subscribed, the said commissioners, or a majority of them, may call a meeting of the stockholders at Princeton aforesaid, by giving at least two weeks notice in one of the newspapers published in Princeton, and the stockholders assembled in pursuance of such notice, shall choose by ballot, from among the stockholders, by a majority of such as are present, or by proxy, thirteen directors with the same qualifications as herein before provided, to be the first directors of the said corporation, and who shall hold their offices until the first Monday in April then next ensuing, and until others be chosen by the stockholders.

President to be chosen.

Vacancies supplied.

Proviso.

Sec. 6. *And be it enacted*, That a majority of the whole number of the aforesaid directors shall have power to fix on a place for transacting the business of the said company, within the bounds of the borough of Princeton, and the same to change at their pleasure to any other place within the said borough.

Location of the bank.

Sec. 7. *And be it enacted*, That there shall be a meeting of the board of directors every quarter year, who shall have power to adjourn from time to time, and the president and any three of the directors may call a special meeting at any other time they may think necessary.

Quarterly meeting of directors.

Sec. 8. *And be it enacted*, That the said directors at every quaterly meeting, shall choose three of their body to inspect the business of the company for the ensuing three months, and the inspectors so chosen, shall twice in every month, examine into the state of the cash account and other business of the said company, and see that the accounts are regularly balanced and transferred.

Sec. 9. *And be it enacted*, That the capital stock and funds of the said corporation shall be deemed personal estate.

Stock personal estate.

Sec. 10. *And be it enacted*, That the following shall be the fundamental articles of the constitution of the said company:

Fundamental articles.

ARTICLE I

A general statement of the affairs of the company shall be exhibited every year at the banking house of the company, at least thirty days before the annual election of directors, and remain open to the inspection and examination of any stockholder during the usual hours of business.

Annual statement to be exhibited.

ARTICLE II.

Transfer books
open to inspec-
tion.

The book or books of said company in which the transfer of the stock of said company shall have been registered, and the books containing the names of the stockholders in such company, shall at any time during the usual hours of transacting business, be open to the examination of every stockholder of such company, for fifteen days previous to any election of directors; and if any officer having charge of such books, shall, upon demand, by any stockholder as aforesaid, refuse or neglect to exhibit such books, or submit them to examination as aforesaid, he shall for every such offence, forfeit the sum of two hundred dollars, the one half thereof to the use of the state of New-Jersey, and the other moiety to the person who will sue for the same, to be recovered by action of debt, in any court of record, together with the cost of such suit; *And further*, that the book or books aforesaid, shall be the evidence who are the stockholders of such company, entitled to examine such book or books, and to vote in person at any election, for directors of said company.

ARTICLE III.

Quorum to trans-
act business.

Not less than seven directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by any other director, chosen by the directors so met for business; *Provided however*, that three directors, when met for the purpose, may be allowed to make discounts.

ARTICLE IV.

Compensation
of president.

The directors shall make such compensation to the president for his services in the business of the said company, as shall appear to them reasonable; but no other director shall be entitled to pay any emolument, unless the same shall have been allowed by the stockholders at the time of their annual meeting for the election of officers.

ARTICLE V.

Transfer of
stock, &c.

The shares of the capital stock at any time owned by any stockholder, shall be transferable on the books of the said company, only according to such rules as shall be instituted in that behalf by the laws and ordinances of said corporation, and no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company from the person or persons transferring, shall have been duly discharged, and such transfer registered in a book or books to be kept for that purpose; the bills obligatory and of credit under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such

person or persons, and his, her, or their assignee or assignees successively, and shall enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names; and bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same, in like manner and with like effect as upon any private person or persons, if issued by them in their private or natural capacity or capacities, and shall be received in the payment of all debts due the said corporation.

ARTICLE VI.

That the president and directors of said corporation shall individually and jointly and severally be and continue liable to every creditor, for the payment of any bills, obligatory or of credit, note or notes, that they or any of them, may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally, and it shall be lawful for the plaintiff or plaintiffs to declare thereon generally, for money had and received, with a specification of the dates, sums, payees and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered execution shall issue thereon.

President and directors liable for notes issued.

ARTICLE VII.

After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable, but the said directors shall not at any time make any dividend of any part of the capital stock of the said company, but only the net profits thereof, and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, being present and consenting thereto, shall be liable for that part of the capital stock so divided, in their natural and private capacity.

Semi-Annual dividends to be made.

ARTICLE VIII.

The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall only be such as shall be required for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been in good faith, mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales on judgments which shall be obtained for such debts.

What lands may be held.

ARTICLE IX.

What corporation may trade in.

The said corporation shall not, directly or indirectly, deal or trade in any thing, excepting bills of exchange, promissory notes, gold or silver bullion, stocks of the states, or the United States, and such goods, wares and merchandise as shall be truly pledged to them as security for debts due, owing or growing due to said corporation, or purchased to secure such debts, or in the sale of goods which shall be the produce of its lands.

ARTICLE X.

Money not to be advanced on stock.

The corporation shall not advance money on the stock of the said company, or discount any note or bill of exchange without at least one good endorser thereon.

ARTICLE XI.

Cashier to be appointed annually, and to give bond.

The cashier of the said bank shall be appointed annually; and the votes of seven of the directors shall be necessary to a choice; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office.

ARTICLE XII.

Directors and cashier to make oath.

Each director and cashier of said corporation, before he enters upon the duties of his office, shall take an oath or affirmation that he will faithfully execute the duties of his office according to the best of his skill and understanding.

Notes less than one dollar not to be issued.

Sec. 11. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than one dollar, nor shall any bill or note issued by the said corporation, and made payable to bearer or to any person or persons, his, her, or their order or bearer, express any other place of payment than the office of the said banking company.

Rate of interest.

Sec. 12. *And be it enacted*, That this corporation shall not take more for, or upon its loans or discounts than the legal rate of interest for the time being, and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected and paid in the same manner as taxes on other banks in this state now are or hereafter may be recovered.

Charter forfeited on failure to pay specie for notes.

Sec. 13. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company, should neglect or refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie or other lawful money of the United States, all bills, notes, or other evidences of debts issued by the said corporation, and which shall be due and payable, the said

president, directors and company shall on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors and company, shall resume the redemption of their said bills, notes, and evidences of debts in specie or other lawful money of the United States, within one month after such demand shall have been made; and the said company shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per cent. per annum from the time of such demand, and until the same shall be paid or otherwise satisfied.

Damages ten per cent for non-payment.

Sec. 14. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the said corporation, annually, to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts and specie on hand, and if the said president and cashier shall fail to do the same for the space of two years successively, that then and from thenceforth, this charter, and all the powers and privileges hereby conferred, shall cease and be forever at an end.

Annual statement made to legislature.

Sec. 15. *And be it enacted*, That this act shall continue in force until the first day of January, one thousand eight hundred and fifty-five, and no longer; *And further*, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Limitation.

Act may be altered or repealed.

Passed February 27, 1834.

AN ACT respecting the lands of John G. Leake, deceased.

WHEREAS, the Attorney General hath, in the proceedings against the lands of John G. Leake, pursuant to the act entitled "An act concerning escheats," passed the twenty-seventh day of February, in the year of our Lord, one thousand eight hundred and twenty-eight, incurred expenses and liabilities to pay moneys, and further expenses will be necessary in the prosecuting the said proceeding to issue and final determination—Therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer be authorized to advance to the Attorney General any sum which may be approved of by the Governor, not exceeding three hundred and fifty dollars.

Passed February 27, 1834.

A SUPPLEMENT to the act, entitled "An act for the punishment of crimes," passed the seventeenth of February, eighteen hundred and twenty-nine.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That if any person or persons, shall wilfully and maliciously injure, hinder, obstruct, impair or destroy any rail road or roads, within this state, or any of the necessary works, carriages or machines, used on said road or roads, such person or persons, so offending, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by imprisonment at hard labor, not exceeding three years, or by fine, not exceeding five hundred dollars, or both.

Passed February 27, 1834.

AN ACT to provide for the removal of obstructions in the river Passaic and its branches, between the turnpike bridge at Chatham and Cook's bridge at Hanover.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be the duty of the managers, to be appointed as hereinafter mentioned, to make an assessment upon all the lands subject to be flowed by the Passaic river and its branches, between the turnpike bridge, at the village of Chatham, and the bridge called Cook's bridge, at Hanover, for

Managers to make assessments on certain lands liable to be overflowed by Passaic river.

such sums of money as they, in their judgment, shall deem sufficient to remove all obstructions to the free course of the waters in the said river and its branches, between the points above designated.

Sec. 2. *And be it enacted*, That the said assessment shall be made equitably in proportion to the quantity, and the advantage and benefit the said lands will derive from the clearing out of the obstructions in said river and its branches as aforesaid, and in order to ascertain the sum of money necessary to be raised, it shall be the duty of said managers, or a majority of them, to view and examine said river and its branches, the obstructions to be removed, and the lands subject to be overflowed, as aforesaid.

Assessment in proportion to quantity, and benefits to be derived.

Sec. 3. *And be it enacted*, That Israel Day, Stephen Baldwin, and Stephen D. Hunting, shall be commissioners of appeal, with full power and authority to review the assessments made by the said managers, and to reduce any assessment made by the said managers, to such sum as they or a majority of them shall deem just and equitable, and the decision of said commissioners shall be final and conclusive upon all parties.

Commissioners of appeal.

Sec. 4. *And be it enacted*, That the said managers, or one of them, shall give notice in writing to the owner or owners, possessor or possessors of the lands by them assessed, of the assessment made and the amount to be paid by each, and if any person shall consider himself or herself aggrieved, it shall be lawful to apply to the said commissioners whose duty it shall thereupon be, to fix a day when they will meet upon the lands alleged to be over taxed, of which meeting three days notice shall be given to the party applying to said commissioners, and also to said managers; and the said commissioners, or a majority of them, shall at the time and place so appointed, proceed to hear the allegations of the parties, and examine the lands assessed, and make such order touching the assessment complained of, as they shall deem just and equitable; and in case said commissioners shall reduce the amount of any assessment, they may at the same time make such allowance of expenses to the party aggrieved as they may think just, and also deduct the same from the amount of his, her, or their assessment.

Duties of managers.

Sec. 5. *And be it enacted*, That the owners and possessors of said lands respectively, shall be liable to pay the amount of the assessments, to be made as aforesaid; and in case any person shall neglect for the space of forty days, after notice given to him or her, and demand of payment, to pay his or her quota of the said assessment, or to apply to said commissioners to meet and hear his or her complaint against such assessment, then it shall be lawful for said managers or a majority of them, to make return of the name of such person with the amount of his or her assessment, or in case said

Amount of assessment may be recovered from owners.

commissioners shall have reduced the amount of any assessment, then of the amount adjudged by said commissioners to be just, to any justice of the peace in the county where such person resides, and the said justice, upon the oath of any one of said managers that the amount has been duly demanded forty days previous thereto, and remains unpaid, shall immediately issue a warrant of distress, directed to some one of the constables of said county, commanding him within thirty days to levy upon and seize the goods and chattels of such delinquent, and make sale of so much thereof, as may be necessary to pay such sum of money, together with the costs, and pay over the same to the managers, or one of them, and the justice and constable shall be entitled to the same fees and subject to the same penalties, as in other cases of taxation.

Money to be applied to removing obstructions in the Passaic and its branches.

Managers to account semi-annually.

Sec. 6. *And be it enacted*, That the said managers shall apply the moneys assessed and collected under this act, to clear out and remove the obstructions in said river and its branches as aforesaid, and shall keep a just and true account of all moneys by them received, expenses incurred, and payments made, which accounts the said managers shall lay before a committee to be chosen as hereinafter mentioned, at least once in every six months, and oftener if required, and shall pay over to their successors in office, any balance in their hands unexpended, immediately upon the appointment of such successors, and on neglect or refusal so to do, the same may be recovered of them by action of debt, to be prosecuted in the proper name of any one of the committee aforesaid, before any court having cognizance thereof, to be applied to the purpose of clearing said river and its branches as aforesaid.

Time and place of choosing managers and committee.

Sec. 7. *And be it enacted*, That the owners and possessors of the lands subject to be flowed as aforesaid, shall meet on the fourth Tuesday of April next, after the passage of this act, at one o'clock in the afternoon, at the house of Samuel Condit, in the township of Springfield, and then and there by plurality of votes of those met, choose five persons, being owners of lands subject to be flowed as aforesaid, managers under this act for the ensuing year, and also three other persons to constitute a committee to examine the accounts of said managers, and the subsequent annual meetings shall be held on the fourth Tuesday of April, at such place as a majority of said owners or possessors at any annual meeting assembled, shall appoint and direct.

Penalty on managers neglecting duty.

Sec. 8. *And be it enacted*, That if any person shall be chosen a manager, under this act, and accept such appointment, and shall neglect or refuse to do any duty enjoined on him by this act, he shall forfeit and pay the sum of fifty dollars, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, before any court

of competent jurisdiction, and be applied for the purpose of clearing out said river, and its branches as aforesaid.

Sec. 9. *And be it enacted*, That in case a vacancy shall happen by the death of one of the said managers, committee, or commissioners of appeal, or otherwise, it shall be the duty of the managers or the survivors of them, to give notice in writing, by advertisement, set up in six public places, adjacent to the lands subject to be flowed as aforesaid, for at least two weeks, of a time and place for the owners and possessors of said lands to meet, to choose a person to fill such vacancy, and the person chosen at such meeting by a plurality of votes of the owners and possessors assembled, shall fill such vacancy and have all the powers and privileges and be subject to the like penalties as the person was whose place he is chosen to supply. Mode of supplying vacancies

Sec. 10. *And be it enacted*, That if any person or persons shall hereafter fell any tree into the said river or its branches, or cut or leave any wood or brush upon the ice of the said river or its branches, within the limits aforesaid, for the space of six days, or by any other means, create any obstruction to the free course of the waters of said river and its branches, within the said limits, and shall not remove the same within ten days after being required so to do by any one of said managers, every such person or persons so offending shall forfeit the sum of twenty dollars, to be sued for, recovered and applied, as mentioned in the eighth section of this act. Penalty for obstructing the free course of waters

Sec. 11. *And be it enacted*, That in case any omission to elect managers, in the manner directed by this act, shall at any time happen, the managers last elected shall continue in office until others are elected in their stead. Continuance of managers.

Sec. 12. *And be it enacted*, That the said managers and commissioners of appeal, shall receive for their services rendered under this act, at the rate of one dollar per day, and there shall be allowed and paid for other services and labor at the rates following, to wit: one dollar and seventy-five cents per day for a man and yoke of oxen, fifty cents per day for every additional yoke of oxen, one dollar per day for every man working in the water, and seventy-five cents per day for every man otherwise necessarily employed; and every person assessed under this act, shall have liberty to pay his or her assessment by labor, at the rates above mentioned; *Provided*, notice is given to said managers or any one of them, of the intention of such person to work out his or her assessment, within twenty days after such person shall have received notice of the amount thereof, as is hereinbefore directed. Compensation of commissioners and managers.
 Provided.

Sec. 13. *And be it enacted*, That so much of the act entitled "An act to enable the owners and possessors of flowed lands and swamps, on the river Passaic and its branches, between the Little Falls on said river, and the Part of former act repealed.

mill dam at Chatham, to break up the reefs in said river near said Falls, and to remove all obstructions to the free course of the water out of said river," passed January thirty-first, eighteen hundred and twelve, as comes within the purview of this act, be, and the same is hereby repealed.

Passed February 27, 1834.

AN ACT for the relief of John McGrah.

Preamble.

WHEREAS, it is represented to this legislature, that John McGrah, of the county of Essex, did, in the year eighteen hundred and twenty-four, at the solicitation of the attorney general of this state, proceed to the western part of the state of New-York, and Pennsylvania, to obtain three witnesses, which were important to establish the guilt of Stephen W. and Ambrose Canfield, who were at that time lodged in Morris county jail, on an indictment for horse-stealing; and did procure the attendance of said witnesses; *And whereas*, it appears that said McGrah hath not received compensation for the above services—Therefore,

Money to be paid to John McGrah.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be, and he is hereby authorized and directed, to pay to John McGrah, the sum of seventy-five dollars, to remunerate him for services rendered to this state, as aforesaid.

Passed February 27, 1834.

AN ACT to extend the term of office of the surveyors of the highways, in road cases, in the county of Salem.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the powers and authorities of the surveyors of

the highways of the county of Salem, which are derived under the act entitled, "An act concerning roads," and the several supplements thereto, be, and the same are hereby extended and continued, from the second Tuesday of March to the second Tuesday of June, yearly and every year, the election of new surveyors to the contrary notwithstanding; and the said surveyors who shall or may be appointed in road cases, as is by this act contemplated, shall have the same rights and powers, and be as fully authorized to act in the laying out, vacation, alteration or view of any public or private road in said county of Salem, during the period so named in this act, as fully to all intents and purposes, as they, or any, or either of them were authorized to act, prior to the said second Tuesday of March in any year; and the right and legal authorities of the surveyors so to act, shall be recognized and admitted in all courts of law and equity of this state, any thing contained in the present laws of said state to the contrary thereof in anywise notwithstanding.

Passed February 27, 1834.

AN ACT to authorize the trustees for the support of Free Schools, to exchange stock held by the state in the Newark Turnpike Company, for stock in the New-Jersey Railroad and Transportation Company.

WHEREAS, the state of New-Jersey, is the owner of two hundred and fifty shares in the stock of the Newark turnpike company, which said shares constitute a part of the fund for the support of free schools; **AND WHEREAS**, by the tenth section of the act entitled "An act to incorporate the New-Jersey Railroad and Transportation Company," passed the seventh day of March, one thousand eight hundred and thirty-two, the state reserved to itself the right to subscribe in the capital stock therein created, at any time within two years after the opening the books of subscription, an amount of shares, equal in value to the fair actual value of their stock in the said turnpike company, at the time of passing the said act, and in exchange therefor—Now therefore,

Preamble.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That

State stock in Newark turnpike may be exchanged for stock in N. Jersey rail road company.

the trustees for the support of free schools, be, and they are hereby authorized to subscribe for two hundred and fifty shares in the capital stock of the "New-Jersey Railroad and Transportation Company," in exchange for the said two hundred and fifty shares of the stock of the "Newark Turnpike Company;" *Provided*, that if at any time during the continuance of their charter, the dividends declared by the "New-Jersey Railroad and Transportation Company," shall not amount to eight per cent. per annum, on the par value of the stock hereby authorized to be subscribed for, that in such case it shall be the duty of the said company, to pay such deficiency to the said trustees, out of the funds of the said company, before any dividend is made to the other stockholders; *and provided also*, that upon the transfer of the stock held by the state, in the "Newark Turnpike Company," to the "New-Jersey Railroad and Transportation Company," the said Railroad company, shall hypothecate the same to the said trustees with authority to receive all the dividends that may accrue thereon, as security for the faithful compliance, on the part of the said Railroad company, with the provisions of this act; *and provided also*, that in case the state shall sell the said Railroad stock, during the continuance of the charter of the said Railroad company, that the said Railroad company shall be released from the guarantee of the amount of dividends on the said Railroad stock in the hands of the purchaser thereof, and that the said turnpike stock shall thereafter belong to the said Railroad company, discharged of the pledge thereof to the state; *and provided further*, that until the said New-Jersey Railroad and Transportation Company, shall declare a dividend on their said stock, the said company shall pay to the said trustees out of the funds of the said company, eight per centum per annum on the par value of the said stock so subscribed for, to be computed from the day on which the last dividend on the stock of the said Newark Turnpike Company was declared; and if at any time the said New-Jersey Railroad and Transportation Company shall fail to declare a dividend on their said stock, the said company shall nevertheless pay to the said trustees the said amount of eight per cent. per annum on the par value of said stock so subscribed for as aforesaid.

Passed February 27, 1834.

AN ACT relating to the lands belonging to this state, at Paterson, in the county of Essex.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Andrew P. Hopper, Peregrine Sanford, and Elias B. D. Ogden, be, and they are hereby appointed commissioners, to take charge of the lands belonging to this state, situate at, and near Paterson, in the county of Essex, for the ensuing year; and they are hereby authorized to lease the whole or part of the same, in one or more lots or parcels, and for such price as they can procure; *Provided*, no such lease shall be for a term exceeding five years, and that they report to the next sitting of the legislature.

Passed February 27, 1834.

AN ACT to authorize Peter Spader and James S. Nevius, administrators with the will annexed of John Dennis, junior, deceased, to convey certain real estate.

WHEREAS Ezekiel Kinnan, acting executor of John Dennis, junior, deceased, sold a certain house and lot, situate on the corner of George and Patterson streets, in the city of New-Brunswick and county of Middlesex, to Charles Smith and James S. Nevius, trustees of Maria Dennis, but departed this life without having conveyed the same pursuant to the conditions of said sale; **AND WHEREAS** letters of administration, with the will annexed, of said John Dennis, junior, deceased, were granted to Peter Spader, and James S. Nevius, after the death of said Ezekiel Kinnan, to whom the said trustees accounted for the purchase money of said house and lot, according to the terms of their said contract; **AND WHEREAS** the said trustees have entered into a contract for the sale of said house and lot, with John P. Van Arsdalen; in order therefore to vest the title thereof in the said John P. Vanarsdalen—

Preamble.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Peter Spader and James S. Nevius, administrators as aforesaid, be, and they hereby are authorized and empowered to make, execute and deliver to the said John P.

Administrators authorized to make deeds for certain lands.

Vanarsdalen, a good and sufficient deed of conveyance, in fee simple, of the said house and lot, upon his paying or securing to said trustees the consideration money, according to the terms of his said contract; and that such deed duly executed, delivered and recorded, shall be valid and effectual to convey to the said John P. Vanarsdalen, his heirs and assigns, all the estate in said premises to which the said John Dennis, junior, or his heirs or devisees, or the said trustees were or are seized of or entitled to.

Passed February, 27, 1834.

AN ACT to protect certain real property in the possession of the state, in the county of Bergen, and late of John G. Leak, deceased.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That George Cassedy, John M. Cornelison and John Engle, be, and they are hereby appointed trustees to take into their possession, all that farm and parcels of land now in possession of the state, and late of John G. Leak, deceased, with full authority, to prosecute in the name of the state, in an action of trespass, every person committing trespass thereon, and that the said trustees shall have care of and prevent from waste, the said premises, the same as if the title was vested in them, until this act be repealed, or other trustees are appointed in their places: *provided*, that the said George Cassedy, John M. Cornelison and John Engle, when thereunto legally required, surrender the premises to the right heirs at law to the same, or to the authorities of this state, as the case may be, on further investigation of the descent of the real estate of the said John G. Leak, deceased.

Sec. 2. *And be it enacted,* That the said farm and parcels of land, shall be chargeable with the expenses of the said trustees, in protecting the same, payment of taxes, and other reasonable charges; they the said trustees, rendering a true account of the damages recovered on actions of trespass brought, to the attorney general of this state, and make report of their proceeding hereof, to the next legislature.

Sec. 3. *And be it enacted,* That all acts or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Passed February 27, 1834.

Trustees appointed to take certain lands in possession.

Proviso.

Lands chargeable for expense.

Parts of former acts repealed.

A FURTHER SUPPLEMENT to the act entitled "An act constituting courts for the trial of small causes," passed February twelfth, eighteen hundred and eighteen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That every justice of the peace, whose term of office has already expired or may hereafter expire, or who has resigned or may hereafter resign, shall and may, when required so to do, make out transcripts from his docket or dockets, under his hand and seal, and certify them as late justice of the peace, which said transcripts so certified, shall be used as evidence in all courts of law and equity in this state, and have the same force and effect, and be liable to the like legal objections as though the said justice was still in commission.

Justice may make and certify transcripts from his docket after expiration of office.

Sec. 2. *And be it enacted,* That if any of the justices of the peace of this state, shall be hereafter removed from his office by impeachment, the docket or dockets of the said justice, shall be forthwith deposited in the clerk's office of the county in which he resides, at the time of such impeachment, three to be kept as a public record.

Dockets of justices removed from office deposited in clerk's office.

Sec. 3. *And be it enacted,* That if any justice of the peace, either before or after the expiration of his term of office, shall be about to remove from the county in which he was commissioned, it shall be his duty to deposit his docket or dockets in the clerk's office of said county, prior to his removal therefrom, there to be kept as a public record.

Justices removing from the county to deposit his docket in clerk's office.

Sec. 4. *And be it enacted,* That the said justices of the peace and their legal representatives, shall, and may, at all times after the said docket or dockets are deposited as aforesaid, have free access to the same without payment of any fees to the clerk therefor, to enable them to recover any costs which may be due the said justices thereon; and if any justice of the peace shall neglect or refuse to deposit his said docket or dockets at the time and in the manner by this act directed, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt with costs, in any court of competent jurisdiction, and paid when recovered, to the collector of the county for the use of the county, and such suit to be brought by the county collector in his own proper name, for the use of the county.

Justices and their representatives to have access to deposit dockets.

Sec. 5. *And be it enacted,* That if any defendant hereafter sued before a justice of the peace, shall demand a trial by jury, and such jury shall find in favor of the defendant, then, and in that case, no part of the costs of the said jury or of the venire, summoning, or attendance upon the said jury, shall be paid by the defendant, but shall be taxed as the other costs of said suit against, and be paid by the plaintiff.

When costs of jury not to be paid by defendant.

Sec. 6. *And be it enacted,* That so much of the sixth

Affidavit required, or appeal may be made before any justice.

Proviso.

Parts of former acts repealed.

section of the act, passed the twenty-third day of November, in the year of our Lord, one thousand eight hundred and twenty-one, as requires the party appealing, to make an affidavit that the said appeal is not intended for the purpose of delay, and that he verily believes he has a just and legal defence to make to the merits of the case, shall be so construed as to give jurisdiction to the courts of common pleas, in this state, in all cases of appeal from judgments rendered upon the verdict of a jury, pending in said courts, notwithstanding the affidavit of the appellant may have been made before some other justice of the peace, than the one who tried the cause; *Provided*, said affidavit be in other respects in conformity with said act.

Sec. 7. *And be it enacted*, That so much of the twentieth section of the act concerning courts for the trial of small causes, passed February twelfth, eighteen hundred and eighteen, as comes within the purview of this supplement, or any part thereof, be, and the same is hereby repealed.

Passed February 27, 1834.

AN ACT making further appropriation for erecting the New-State Penitentiary.

Fifty thousand dollars appropriated for erecting new state prison.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in addition to the amount heretofore directed by law to be drawn by the governor or person administering the government of this state, in favor of the commissioners appointed to build the New State Penitentiary, he shall be and is hereby authorized to draw in favor of the said commissioners from any unappropriated moneys in the treasury of this state, the further sum of fifty thousand dollars.

Governor authorized to borrow money.

Sec. 2. *And be it enacted*, That in case there should not be an amount of unappropriated money in the treasury of this state, sufficient to meet the drafts as authorized by this act, it shall and may be lawful for the governor or the person administering the government of this state, to borrow an amount of money sufficient to meet the appropriations as aforesaid, at a rate of interest not exceeding six per centum per annum, and to reimburse the same at any time not less than one year, from the time of contracting the loan; and the governor or person administering the government of this state,

is hereby authorized and empowered to pledge the faith of this state for the payment of the principal and interest of all moneys which may be borrowed as aforesaid.

Passed February 27, 1834.

AN ACT to divorce Mordecai Noe, from his wife Hannah Noe.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Mordecai Noe, of the county of Middlesex, be, and he is hereby divorced from his wife, Hannah Noe, and that the marriage contract heretofore existing between them, the said Mordecai Noe and Hannah Noe his wife, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 27, 1834.

A SUPPLEMENT to an act, entitled "An act to incorporate the Rahway Fire Company," passed December fifth, eighteen hundred and twenty-three.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the "Rahway Fire Association," be authorized and empowered to increase their capital stock, to three thousand dollars.

Passed February 27, 1834.

AN ACT to raise the sum of forty thousand dollars, for the year one thousand eight hundred and thirty-four.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the*

same, That there shall be assessed, levied and collected, on the inhabitants of this state, their goods, moneys and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and thirty-five.

Sec. 2. *And be it enacted*, That the said sum of forty thousand dollars shall be paid by the several counties of this state, in the proportion following, that is to say:—

The county of Bergen shall pay the sum of two thousand five hundred and ninety-nine dollars and eighty-four cents.

The county of Essex shall pay the sum of three thousand eight hundred and twenty-two dollars and four cents.

The county of Middlesex shall pay the sum of three thousand two hundred and fifty-three dollars and thirty-six cents.

The county of Somerset shall pay the sum of two thousand six hundred and forty-two dollars and eighty-six cents.

The county of Sussex shall pay the sum of two thousand and twenty-five dollars and seventy cents.

The county of Morris shall pay the sum of three thousand one hundred and thirty-six dollars and two cents.

The county of Warren shall pay the sum of two thousand one hundred and eighty-five dollars and fifty cents.

The county of Monmouth shall pay the sum of three thousand seven hundred and twenty-three dollars and sixty-eight cents.

The county of Hunterdon shall pay the sum of four thousand five hundred and thirty-five dollars and eighty four cents.

The county of Burlington shall pay the sum of four thousand three hundred and seven dollars and twelve cents.

The county of Gloucester shall pay the sum of three thousand three hundred and seventy-nine dollars and twenty-six cents.

The county of Cumberland shall pay the sum of one thousand five hundred and eighty-six dollars and eighteen cents.

The county of Salem shall pay the sum of two thousand one hundred and fifty-six dollars and sixty cents.

The county of Cape-May shall pay the sum of six hundred and forty-six dollars.

Sec. 3. *And be it enacted*, That the assessors of the several townships of this state, to raise the sum of forty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums:

Every covering horse, above three years old, any sum not exceeding ten dollars, to be paid by the person where the horse is kept; all other horses or mules, three years old and upwards, any sum not exceeding six cents.

All neat cattle three years old and upwards any sum not exceeding three cents.

Enumeration of
articles taxed at
specific sums.

Sec. 4. And be it enacted, That in assessing the aforesaid sum of forty-thousand dollars the following articles, persons, and things, shall be valued and rated at the discretion of the assessor, to wit: all tracts of land any sum not exceeding one hundred dollars, by the hundred acres: *Provided always,* that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same as nearly as may be, to the valuation of the land aforesaid.

Enumeration of
articles taxed at
discretion of an
assessor.

All moneys at interest, whether on bond, obligation or sealed bill secured by mortgage or judgment, not otherwise taxed, to be rated, assessed, and taxed on the principal sum of each after the same rate and in the same manner as lands are rated and assessed by this act.

All householders, (under which description shall be included all married men) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars, over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding ten dollars.

All fisheries, where fish are caught for sale any sum not exceeding ten dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding eight dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomerics that work bar-iron immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills, any sum not exceeding nine dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards, where leather is tanned, for sale or hire, each vat, any sum not exceeding thirty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars: *Provided*, that every single man possessed of a ratable estate, the tax whereof amounts to the sum above directed to be rated, shall be assessed for that estate only: *And provided also*, that any one taxed as a single man, shall not be taxed as a householder.

Every male slave under the age of sixty years, any sum not exceeding one dollar: *Provided*, no slave shall be taxed who is unable to labor.

All distilleries used for distilling spirits from rye or other grain, or molasses, or other foreign material, any sum not exceeding thirty-five dollars.

All other distilleries used for distilling, any sum not exceeding ten dollars, having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four horse stage-wagon, any sum not exceeding five dollars.

Every two horse stage-wagon, any sum not exceeding two dollars and fifty cents.

Every covered wagon with a frame or fixed top, any sum not exceeding one dollar.

Every two horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulkey, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying company, any sum not exceeding ten dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a fair valuation of all the real estate made liable by law, having regard to the yearly rent and value thereof; and that the amount of tax assessed in each

township above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars, shall be assessed, levied and collected, in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, in the year one thousand seven hundred and ninety-nine, and the several supplements thereto, and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers, concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

Manner of assessing and penalty for neglect.

Passed February 28, 1834.

A FURTHER SUPPLEMENT to an act, entitled "An act to incorporate a part of the township of Trenton in the county of Hunterdon," passed November thirteenth, seventeen hundred and ninety-two.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the annual town meetings of the freeholders and inhabitants of the city of Trenton, shall be held at the same time and place as is now, or may hereafter be, provided by law for holding the annual town meetings of the freeholders and inhabitants of the township of Trenton; and that the said freeholders and inhabitants when so convened in town meeting as aforesaid, shall have all the powers now vested by law in the said town meetings of the freeholders and inhabitants of the township and city aforesaid, respectively.

Town meetings, of city of Trenton, to be held at same time and place as the township.

Sec. 2. *And be it enacted*, That the persons qualified to vote at such town meetings, shall have full power at the town meetings aforesaid, to elect, for the said township, and city of Trenton, one assessor, and one collector, who shall respectively fill the offices of assessor and collector for both the township and city at the same time, and shall have all the powers, perform all the duties, and be subject to all the provisions and regulations of the existing laws relative to the assessors and collectors of the city and township; but the said

Certain officers to be elected.

assessor and collector shall be entitled to the lawful fees for making one assessment and collection in each year, and no more.

Town clerk to
be clerk of town-
ship and city.

Sec. 3. *And be it enacted*, That at each annual town meeting as aforesaid, one person shall be chosen according to law, as town clerk, who shall be, and perform all the duties of clerk of the said township and city, and be subject to all the provisions and regulations of the existing laws, relative to the clerks of the township and city of Trenton.

Appeals in cases
of taxation.

Sec. 4. *And be it enacted*, That all appeals relative to unjust assessments in cases of taxation, as well in the said township as in the said city of Trenton, shall be heard and finally determined by the common council of said city, and that so much of any act of the legislature as requires the appointment of commissioners of appeals in and for the township of Trenton, be and the same is hereby repealed.

City may erect
a workhouse &c.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the common council of the city of Trenton, to erect and maintain within the said city, a workhouse distinct from the common jail, which said workhouse, when so procured and established, shall be subject to all the provisions of the second and third sections of an act of the legislature entitled "An act supplementary to an act entitled an act to incorporate a part of the township of Trenton in the county of Hunterdon," passed the twenty-second day of November, eighteen hundred and eight.

Part of act re-
pealed.

Passed February 28, 1834.

AN ACT to defray incidental charges.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be lawful for the treasurer of this state, to pay the several persons hereinafter named, the following sums, viz.

To John M. Cornelison for travelling expenses, viewing state lands in Bergen county, twenty dollars.

To John Cook, for iron work about the state house, three dollars and twenty-five cents.

To S. & T. J. Stryker, for ten cords of hickory wood, for the use of the state house, sixty dollars.

To William A. Benjamin, for his bill rendered for locks, candle sticks, nails, and screws, for the state, ten dollars and thirty-three cents.

To Silas Condict, for expenses and attendance three days at Trenton, on account of the state, fifteen dollars.

To Henry B. Howell, for two boxes of candles, crape, baize, &c. fifty dollars and seventy-six cents.

To Charles Parker, treasurer, as appears by his several receipts and vouchers; to Fayette Pierson, for printing the criminal code, one hundred and twenty-six dollars; to B. S. Disbrow, for making writing desk, for treasury office, ten dollars eighty-seven cents; letter postage, up to first of last January, two dollars and seventeen cents; Daniel Fenton, for stationary had by the legislature, prior to eleventh November last, twenty-six dollars and thirty-seven cents; John Kirkbride for Lehigh coal, sixty-five dollars; Elisha Reeves, for hickory wood, ninety dollars; Thomas Combs, for a load of charcoal, nine dollars; Charles Parker, going to, while at, and returning from Philadelphia, on business for school fund seven dollars, making an aggregate of three hundred and thirty-six dollars and twenty-four cents.

To B. Davenport, for a ream of paper for treasury office, four dollars and twenty-five cents.

To Thomas M. Perrine, for three pieces of carpeting, forty-five dollars and sixty-three cents.

To Jasper Scott, for taking down and putting up open stove in arsenal, one dollar and fifty cents; also for repairs done to the government house, sixteen dollars twelve and a half cents.

To governor Elias P. Seely, for postage on letters, concerning the state, from second of March to twenty-seventh of October, eighteen hundred and thirty-three, forty-two dollars and sixty-five cents.

To William Robinson, for repairing and cleaning arms, one hundred and eighty-five dollars and twenty-nine cents.

To Ralph Green, for work on state house, office, and yard, fifteen dollars fifty-six cents.

To James Faussett, deceased, estate, for sundry articles, for state house, seventeen dollars.

To C. Faussett, for sheet iron for Council room, nine dollars and fourteen cents.

To Lucius Q. C. Elmer, for services, revising the criminal code, three hundred dollars.

To Joseph Burroughs, for a cord of wood, five dollars and fifty cents.

To William Robinson, for splitting a cord of wood, one dollar.

To Andrew Reeder, for two brooms, fifty cents.

To William Clark, for sawing and splitting nine cords of wood, nine dollars.

To S. B. Scattergood, for carpet, putting down the same, in Council Chamber, five dollars and twenty-five cents.

To Daniel H. Combs, for two boxes to keep coal in, two dollars.

To James D. Westcott, for cash paid sundry individuals for iron work about the secretary of state office, and other services rendered, for which no compensation is fixed by law, thirty-one dollars and twenty-five cents.

To M. Johnson, for his bill for paper, quills, pencils, eighty-eight dollars and thirty-seven cents.

To Wilson and Newton, for glass, putty, and repairing window blind for state house, three dollars and seventy cents.

To Thomas Combs, one wafer box, thirty-seven cents.

To Levi Howell, for carrying state prison committee back and forth, two dollars.

To Zachariah Rossell, clerk of supreme court, for stove, and putting up same in clerk's office, fourteen dollars and fifty cents.

To the estate of Martin C. How, for finding and setting glass, nine dollars and thirty-seven cents.

To George Sherman, for printing, as per his account rendered up to this time, eighty-two dollars and fifty cents.

To Joseph Sterling, for one bushel of sand, thirty-one cents.

To William Miller, for two boxes of candles and stone jug, twenty-two dollars and sixteen cents.

To the adjutant-general, for postage, three dollars and seventy-six cents.

To E. B. Adams, for New-Jersey Democrat, and advertising court of appeals, thirty-two dollars.

To Joseph Justice, for his printing account for first sitting, and in vacation, and articles furnished state, one hundred and sixty-three dollars and seventy-three cents, for his printing account of the present sitting, and articles furnished state, up to this time, four hundred and fifty-seven dollars and fifty-one cents, aggregate amount six hundred, twenty-one dollars and twenty four cents.

To the quarter-master general, for a building in which to keep the public arms, any sum not exceeding one hundred dollars.

To Daniel Bellerjeau, for five screens, ten dollars.

To J. T. Robinson and company, for papers furnished the house, thirteen dollars and fifty cents.

To William Miller, for candles, one dollar and fifty-eight cents.

To Enoch Green, for two locks on the gallery doors, fifty cents.

To Joseph W. Scott, for revising, &c. orphans' court code of laws, five hundred dollars.

To James Mason, sawing and splitting thirteen and a half cords of wood, thirteen dollars and fifty cents.

To Enoch W. Green, for work done at state house, fifteen dollars sixty-one and a quarter cents.

Passed February 28, 1834.

JOINT RESOLUTIONS.

RESOLVED, (Council concurring) that a joint committee of the two Houses be appointed for the purpose of considering the expediency of expressing the sense of this Legislature, upon the important topics now under discussion before the Congress of the United States.

Passed January 10, 1834.

WHEREAS, the present crisis in our public affairs, calls for a decided expression of the voice of the people of this state; **AND WHEREAS** we consider it the undoubted right of the legislatures of the several states, to instruct those who represent their interests in the councils of the nation, in all matters which intimately concern the public weal and may affect the happiness or well being of the people—Therefore,

Preamble.

BE IT RESOLVED by the Council and General Assembly of this State—1. That while we acknowledge with feelings of devout gratitude, our obligations to the Great Ruler of Nations, for his mercies to us as a people, that we have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men, who would prostrate the fair fabric of our Union, that we ought nevertheless, to humble ourselves in his presence, and implore his aid for the perpetuation of our republican institutions, and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.

Acknowledgment of gratitude for prosperity.

2. **RESOLVED**, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of chief magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow-citizens.

Expression of confidence in the president.

3. **RESOLVED**, That we view with agitation and alarm the existence and gigantic power of a great monied incorporation, which threatens to embarrass the operations of the government, and by means of its unbounded influence upon the currency of the country, to scatter distress and ruin through-

Disapproval of a recharter of the bank of the U. States.

out the community; and that we therefore solemnly believe the present Bank of the United States ought not to be re-chartered.

Instructions to
Senators and
Representatives

4. **RESOLVED**, That our Senators in Congress be instructed and our member of the House of Representatives be requested to sustain, by their votes and influence, the course adopted by the Secretary of the Treasury, Mr. Taney, in relation to the Bank of the United States and the deposits of the government moneys, believing as we do, the course of the Secretary to have been constitutional, and that the public good required its adoption.

Governor to
transmit copies
of these resolutions.

5. **RESOLVED**, That the governor be requested to forward a copy of the above resolutions to each of our senators and representatives from this state, in the congress of the United States.

Passed January 11, 1834.

Adherence to
former resolutions.

RESOLVED, *by the Council and General Assembly of the state of New-Jersey*, That they do adhere to the resolutions passed by them on the eleventh day of January last, relative to the president of the United States, the Bank of the United States, and the course of Mr. Taney, in removing the government deposits.

Desire for the
Senators and
Representatives
to obey them.

RESOLVED, That the legislature of New-Jersey have not seen any reason to depart from such resolutions since the passage thereof, and it is their wish that they should receive from our senators and representatives of this state in the congress of the United States, that attention and obedience which are due to the opinions of a sovereign state, openly expressed in its legislative capacity.

Passed February 21, 1834.

RESOLVED, *by the Council and General Assembly*, That I. Wallace Van Doren, of New-Brunswick, be employed to print the votes and proceedings of the present session of the legislature; that he print sixteen hundred copies thereof, and be paid therefor the sum of twenty-two dollars per sheet.

RESOLVED, That James N. Hannah, of Salem, be employed to print sixteen hundred copies of the laws of the present session of the legislature, on the large octavo pages heretofore used, and that he be paid therefor the sum of thirty-two dollars per sheet.

RESOLVED, That George Sherman, of Trenton, be employed to print sixteen hundred copies of the law reports, at thirty-two dollars per sheet; and that Edward Sanderson, of Elizabethtown, be employed to print the chancery reports, the same number of copies and at the same price as the law reports, and that both reports shall be printed on as good paper and with the large octavo type heretofore used.

Passed February 24, 1834.

RESOLVED, *by the Council and General Assembly*, That fifty muskets of the state armory be appropriated from this time forth, to the use of the "Trenton Pike Infantry," a volunteer corps of militia, now organized in the city of Trenton, upon the security being given, in such cases required, for their safe keeping and return.

Passed February 27, 1834.

RESOLVED, *by the Council and General Assembly*, That the governor of this state be requested to communicate to the president of the United States a copy of the act of the legislature of this state, entitled "An act to ratify and confirm an agreement made between the commissioners appointed by the governor of the state of New-York and the commissioners appointed by the governor of the state of New-Jersey, respecting the territorial limits and jurisdiction between the said states," together with a copy of said agreement, with a request that he will cause the same to be laid before the two houses of congress for their consent.

RESOLVED, That the senators and representatives of this state in the congress of the United States, be requested to use their endeavors to procure the consent of the congress of the United States to the said agreement.

Passed February 27, 1834.

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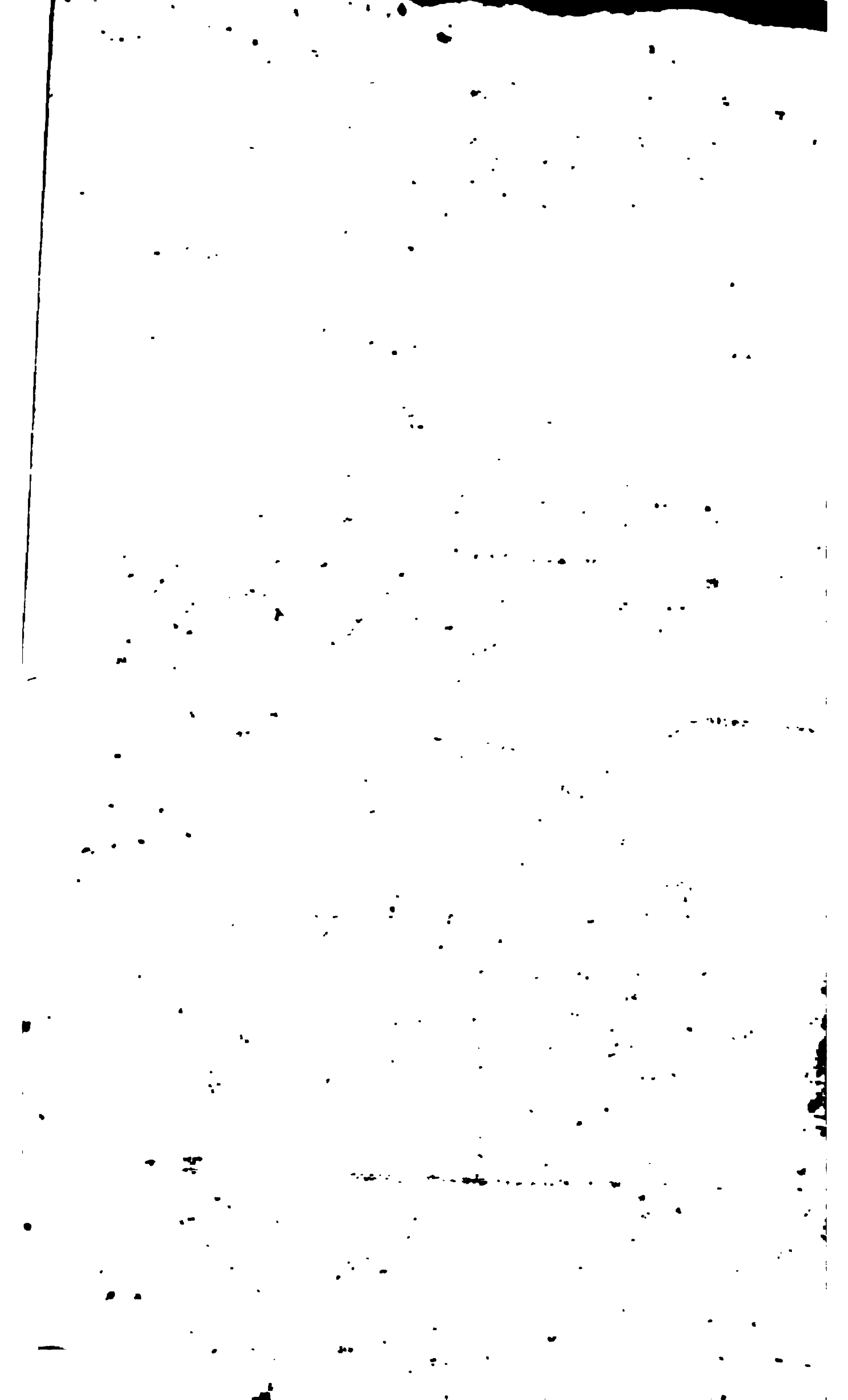
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ERRATA.

In the title pages, for "FIFTY-SEVENTH," read "FIFTY-EIGHTH."



ACTS
OF THE
FIFTY-NINTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-EIGHTH DAY OF
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-FOUR,

BEING THE FIRST SITTING.



TRENTON:
PRINTED BY JOSEPH JUSTICE.
1835.

ACTS
OF THE
FIFTY-NINTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT providing for the distribution of the late compilation of the Public Laws of this State, and for compensation for the compiling and printing the same.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state, shall, on receipt of two hundred and fifty copies of the compilation of the public laws of this state, passed since the revision, in the year eighteen hundred and twenty, compiled by Josiah Harrison, after retaining two copies for himself, immediately cause two hundred and forty-eight copies to be delivered to, and distributed among the persons and in the proportions following, namely: to the governor of this state, for himself, one copy, and two copies to be by him transmitted to the executives of each of the several states and territories within the United States, for the use of the states and territories; to the secretary of the department of State of the United States, four copies; to the justices of the Supreme Court, the attorney-general, the secretary of state and clerk of the Supreme Court, and clerk in Chancery, of this State, each one copy; to the clerk of Council, for the use of Council, fifteen copies; to the clerk of Assembly, for the use of Assembly, thirty copies; to the clerks of each of the counties, for the use of the county, one copy; to the surrogates of each of the counties, one copy for the use of the county; and to each of the boards of chosen freeholders, for the use of such boards, one copy; and to each of the present members of the Legislative Council and General Assembly of this State, one copy; the remainder to be depo-

Manner in which
Harrison's com-
pilation of laws
of New-Jersey
to be printed.

sited with the Librarian of this state, at the disposal of the governor, to make such disposition thereof among the several public libraries of this state, or otherwise, as he shall see proper.

Sum to pay
Harrison.

Sec. 2. *And be it enacted.* That the treasurer of this state, shall, on receiving from the compiler of the said laws, Josiah Harrison, two hundred and fifty copies of the same, be, and he is hereby authorized, to pay to the said Josiah Harrison, the sum of seven hundred and forty dollars, being the balance due to him for his services, as well for compiling and indexing the same, and the late revised laws, as his expenses in the printing, binding, and delivering the same to the treasurer for the use of the state.

Passed, November 6, 1834.

AN ACT to confirm the division of certin Real Estate, between the heirs of Isaac Berdan, deceased.

Preamble.

WHEREAS, a division of the Real Estate whereof Isaac Berdan, late of the county of Bergen, deceased, died seized, was made by the Orphans' Court of the said county, between Isaac Berdan, junoir, Leah Vandelinda, the wife of Ralph Vandelinda, and the devisees of Samuel Berdan, deceased, which Isaac Leah and Samuel, were the heirs at law, of the said Isaac Berdan, deceased: **AND WHEREAS**, the said division is not binding and valid at law, by reason of want of jurisdiction in said court: **AND WHEREAS**, the said division was justly, equally and impartially made, by three judicious and disinterested freeholders, under their oaths: **AND WHEREAS**, it is for the interest of all parties concerned, that the said division should be confirmed, and they have joined in petition for the confirmation thereof; Therefore,

Division of real
estate confirmed

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the division of the real estate, whereof Isaac Berdan, late of the county of Bergen, deceased, died seized, made by James H. Brinkerhoff, Isaac J. Van Saun, and David I. Christie, commissioners appointed by the Orphans' Court of the county of Bergen, at the term of January, one thousand eight hundred and twenty-nine, as contained in the map and report by them made and signed, dated the twenty-fourth day of March, one thousand eight hundred and twenty-nine, which report was confirmed by the said court, and is now on file, in the Surrogate's office of the county of Bergen be confirmed and made valid; so as to divide, and make partition of the said lands and premises, in the same manner, as

they are therein divided, finally, effectually and conclusively, between the above named Isaac Berdan, junior, Leah Vandelinda, and the devisees of Samuel Berdan, deceased.

Sec. 2. *And be it enacted*, That the shares in the said division, apportioned to Isaac Berdan and Leah Vandelinda, shall vest in each of them, respectively, in severalty, in fee simple; and that the shares thereof in said division, apportioned to John Berdan, vest in severalty in the said John Berdan; and in the devisees, in remainder of the same estates, and subject to the same limitations, equities, liens, incumbrances and contingencies, as the undivided share of the said Samuel Berdan, deceased, by his last will and testament, vested and was made subject to: *Provided always*, that nothing in this act contained, shall affect the title, claim or estate of any other person or persons, except the above named three heirs of said Isaac Berdan, deceased; and any one claiming, or to claim, by, through or under them, or either of them.

Manner in which the estate shall vest in the heirs.

Proviso.

Passed, November 7, 1834.

AN ACT to authorize Mary Pitney, widow and Administratrix, and Benjamin Pitney, junior, Administrator of Byram Pitney, deceased, to execute a certain contract, made by said deceased, with one Thomas Dunlap, of the county of Sussex, for the sale of Real Estate.

WHEREAS, it appears to the Legislature, that Byram Pitney, deceased, late of the township of Byram, in the county of Sussex, in this state, who died intestate, did, in his life time, make an agreement, in writing, dated the twenty-sixth day of March, in the year of our Lord, eighteen hundred and twenty-five; and executed by the said Byram Pitney, deceased, and one Thomas Dunlap, in the presence of one witness; and did thereby agree, to sell a certain tract of land, to the said Thomas Dunlap, of about sixty-five acres, and seventy-two hundredths of an acre, situate in the township of Hardiston; which land Byram Pitney, deceased, in his life time, purchased of one George Robinson and wife, as by their deed will appear, and gave the said Dunlap possession of said tract of land, who has since possessed the same; but no conveyance has ever been executed for the same, and a portion of the price therefor, yet remains to be paid; and the said Byram Pitney, having since departed this life, and said agreement having been attested by only one witness; and Susan Wood, one of the daughters of the said Byram Pitney, who intermarried

Preamble.

with William A. Wood, of Orange county, in the state of New-York, having also departed this life, leaving issue, under the age of twenty-one years; and no deed can now be executed, without Legislative aid: AND WHEREAS, the administrators of Byram Pitney, deceased, have, by their petition, requested that they be empowered, to make a deed to the said Thomas Dunlap, for the tract of land aforesaid; Therefore,

Administrators of Byram Pitney deceased, authorized to fulfil an engagement made by him, for the sale of certain lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Mary Pitney, administratrix, and Benjamin Pitney, junior, administrator of the said Byram Pitney, deceased, be, and they are hereby authorized and empowered, to execute and deliver, to the said Thomas Dunlap, a deed for the said tract of land and premises, pursuant to said agreement, between him and said deceased; which deed, shall have the same force and effect, as a deed from the said Byram Pitney, in his life time, would have had; and also, to receive such portion of the purchase money, as remains unpaid, and distribute it among the several heirs, of the said Byram Pitney, deceased, as by law they are required to distribute other money belonging to said estate.

Passed, November 10, 1834.

A SUPPLEMENT to an act entitled, "An act to incorporate the Manufacturers Bank at Bellville."

Affidavit to be filed in office of secretary of state.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall not be lawful for the said bank to issue any notes or bills, until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of this state, stating that fifty thousand dollars of the capital stock of said corporation has been bona fide subscribed and paid in, conformable to the provisions of said act; and that the whole of the fifteenth section of the act to which this is a supplement be, and the same is hereby repealed.

Part of former act repealed.

Sec. 2. *And be it enacted,* That so much of the third section of the act to which this is a supplement, as requires the president of said bank to be a resident of the township of Bloomfield, be, and the same is hereby repealed.

Passed, November 11, 1834.

A SUPPLEMENT to an act entitled "An act to authorize Henry Hankinson, trustee of Keturah M. Sloan and Eliza B. Rusling, to sell and convey lots of land, on the farm on which he resides, on the Morris Canal, in the township of Mansfield, in the county of Warren, and state of New-Jersey," and to receive the moneys for the appraisement and agreement of the lands, taken and occupied by said company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Henry Hankinson, trustee of Keturah M. Sloan and Eliza B. Rusling, be, and he is hereby authorized and empowered, to sell and convey, by good and sufficient deed or deeds, in fee simple, all the residue of the farm unsold and named in the act to which this is a supplement, and all other lots conveyed in trust to him for the said Keturah M. Sloan and Eliza B. Rusling, adjoining said farm.

Henry Hankinson, authorized to sell certain lots as trustee.

Sec. 2. *And be it enacted,* That the said Henry Hankinson, shall pay over to the said Keturah M. Sloan and Eliza B. Rusling, all the moneys arising on the sale of said farm and other lots of land, after a reasonable deduction for his necessary expense and trouble, agreeably to the third section of the act to which this is a supplement.

Proceeds of sale to be paid, &c.

Sec. 3. *And be it enacted,* That the said Henry Hankinson, his heirs, executors and administrators, be released from his trust from all the lands he sells as trustee of Keturah M. Sloan and Eliza B. Rusling, after the execution of the conveyances of said land, and complying with the conditions contained in the second section of this act.

Release from trust.

Passed, November 11, 1834.

AN ACT for the support of the Government of this State.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be paid to the officers appointed for the administration of the Government of this State, the several sums following, to wit:—

Payment of officers provided for.

To the Governor of this state, for the time being, at the rate of two thousand dollars by the year.

The Governor.

To the Chief Justice of the Supreme Court of this state, for the time being, at the rate of twelve hundred dollars by the year.

Judges of Supreme Court.

To each of the Associate Justices of the Supreme Court of this state, for the time being, at the rate of eleven hundred dollars by the year.

Treasurer.

To the Treasurer of this state, for the time being, at the rate of one thousand dollars by the year.

Law and Chancery Reporters.

To the Law Reporter and Chancery Reporter of this state, for the time being, at the rate of two hundred dollars each, by the year.

Attorney General.

To the Attorney General of this state, for the time being, at the rate of eighty dollars by the year.

Quarter-master General.

To the Quarter-master General of this state, for the time being, at the rate of one hundred dollars by the year.

Adjutant General.

To the Adjutant General of this state, for the time being, at the rate of one hundred dollars by the year. All of which

How to be paid.

salaries, shall be paid to the several officers before mentioned, their executors, administrators or assigns, on warrants produced to the Treasurer, signed by the Governor or Vice-President of Council; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease, and determine on such removal; and the salary of his successor shall commence from the time he shall be sworn or affirmed into office.

Members of Council and Assembly.

Sec. 2. And be it enacted, That there shall be paid to the Vice-President of Council and Speaker of the House of Assembly, the sum of three dollars and fifty cents, and to every member of Council and Assembly, the sum of three dollars, for each and every day they have respectively attended this, or shall attend any future sitting of the legislature; and to every member of Council and Assembly, the additional sum of three dollars, for every twenty miles of the estimated distance, by the most usual route between his place of residence and the seat of Government, in going and returning, on a certificate to be produced to the Treasurer, expressing the sum due, and the number of days and miles, signed by the President or Vice-President of Council, for the members of Council, or by the Speaker of the House of Assembly, for the members of Assembly, or by Asa Whitehead, Thomas G. Haight and William Marshall, Esquires, or any two of them, for the members of Assembly.

How to be paid.

Secretary of Council and Clerk of Assembly.

Sec. 3. And be it enacted, That there shall be paid to the Secretary of Council and Clerk of Assembly, the sum of three dollars and fifty cents, for every day they have respectively attended this present, or may attend any future sitting of this Legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of Council and Assembly, and the Joint-Meeting, in the Journal; and eight cents by the sheet, for a copy thereof for the printers, on a certificate produced to the Treasurer,

signed by the President or Vice-President of Council, for the Secretary of Council; and by the Speaker of the House of Assembly, for the Clerk of Assembly. How to be paid.

Sec. 4. *And be it enacted*, That there shall be paid to the Serjeant-at-arms, for the time being, who shall attend the Council and the House of Assembly, and to the door-keepers of Council and the House of Assembly, for the time being, the sum of two dollars, by the day, for each day, on a certificate to be produced to the Treasurer, expressing the sum, and the number of days they have respectively attended, signed by the President of Council or the Speaker of the House of Assembly.

Sec. 5. *And be it enacted*, That there shall be paid to the Engrossing Clerk, who shall engross the bills of Council and Assembly, this session of the Legislature, at the rate of eight cents by the sheet, computing one hundred words to the sheet, on a certificate of the amount, signed by the President or Vice-President of Council, or by the Speaker of the House of Assembly. Engrossing Clerk.

Sec. 6. *And be it enacted*, That this act be, and shall continue in force, for one year, from the twenty-second day of October, in the year of our Lord, one thousand eight hundred and thirty-four, and no longer. Limitation of act.

Passed, November 11, 1834.

AN ACT making a further appropriation for building the New Penitentiary.

WHEREAS, it appears from the report of the commissioners, appointed by the Legislature to erect a New-Penitentiary, that a further appropriation is necessary to be made at the present sitting, for the purpose of going on with the work now in progress, it being advisable that the same should not be delayed—Therefore, Preamble.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That in addition to the amount which the governor or person administering the government of this state, has been heretofore authorized to draw in favor of the commissioners appointed to build the said new State Penitentiary, he shall be, and hereby is authorized, to draw in favor of said commissioners, from any unappropriated money in the treasury of this state, the further sum of ten thousand dollars, to be appropriated for finishing the block of buildings and out- 10,000 dollars appropriated towards completing the state Penitentiary.

ward walls now commenced, in conformity with the act of the thirteenth of February, eighteen hundred and thirty-three, for building the said Penitentiary.

Governor to borrow money.

Sec. 2. *And be it enacted,* That in case there should not be an amount of unappropriated money in the treasury of this state, sufficient to meet the drafts authorized by this act, it shall and may be lawful for the governor, or person administering the government of this state, to borrow an amount of money sufficient to meet the appropriations as aforesaid, at a rate of interest not exceeding five per centum per annum, and to reimburse the same at any time not less than one year, from the time of contracting the loan; and the governor or person administering the government of this state, is hereby authorized and empowered to pledge the faith of this state, for the payment of the principal and interest of all moneys that may be borrowed as aforesaid.

Passed November 11, 1834.

AN ACT to defray incidental charges.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be lawful for the treasurer of this state, to pay the several persons hereinafter named, the following sums, viz:

To Jacob Warner, for hooks, staples, rivets, &c. for the State-House yard fence, five dollars and fifty-six cents.

David Delias, for breaking and putting away seven tons of coal, five dollars, sixty-two and a half cents.

William Miller, for three boxes of candles, &c. furnished for State-House, thirty dollars and fifty-four cents.

William A. Benjamin, for spikes, nails, paints, &c. furnished for State, seven dollars and twenty-eight cents.

Jasper Scott, for mason work on front wall of State-House, and sundry materials, thirty-four dollars and fifty-seven cents.

Grant & Cook, for boards, post, &c. furnished for State, fifty-six dollars, eighty-six cents.

William Robinson, for services, in taking care and keeping in order the State arms, &c. one hundred and three dollars.

Daniel Childs, for bill of sundries for state, six dollars and fifty cents.

John Voorhees, for bill of sundries for State, five dollars and ninety cents.

Philip Slack, to bill for sundries furnished for State, one dollar.

David & Joseph Witherup, for bill of sundries, furnished for State, five dollars and fifty-four cents.

H. C. Boswell, for grate and fixtures, furnished for Government House, nine dollars.

John Wilson, for glass and setting, in the Government House, eighty-seven and a half cents.

Charles Cain, for putting in glass in State House, two dollars and ninety cents.

R. H. Shreve & Co. for publishing laws of the fifty-eighth Legislature, in New-Jersey Democrat, and publishing notice of Court of Appeals, seventeen dollars.

Passed November 11, 1834.

RESOLUTIONS.

RESOLVED *by the Council and General Assembly of this state,* That Joseph Justice, be appointed to print the bills and current printing of the two houses at the following rates :

For the bills and other current printing to contain at least thirty lines per page, in pica type, on the best foolscap paper that can be procured at three dollars per ream, the sum of three dollars and fifty cents per sheet.

Passed November 8, 1834.

RESOLVED *by the Council and General Assembly of this state,* That the commissioners appointed by the governor of this state, under the joint resolution of the Council and Assembly of this state, of seventeenth January, eighteen hundred and thirty-three, authorizing him to appoint commissioners, to meet commissioners on the part of the state of Pennsylvania, to examine and report according to the provisions of the said resolution, be authorized to employ a competent and disinterested engineer, to examine the obstructions at and near Wells' Falls, in the river Delaware, and at Scudder's Falls, at the head of the Delaware Falls Water Company ; and to report to said commissioners.

Passed November 8, 1834.

Preamble. **WHEREAS**, since the last adjournment of Congress, the question has been distinctly put to the people of New-Jersey, upon the prominent measures of the present administration of the General Government, and more especially those relative to the Bank of the United States, and their opinions approving those measures, have been emphatically expressed through the ballot boxes:—Therefore,

Adherence to Resolutions. 1. **BE IT RESOLVED** *by the Council and General Assembly of the State of New-Jersey*, That they concur in, and adhere to, the Resolutions of the Council and General Assembly of this State, passed on the eleventh day of January and twenty-first day of February, last, relative to the removal of the Deposites, and re-charter of the United States Bank, which Resolutions, they believe, truly express the opinions, and accord with the wishes of a majority of the people of this state.

Senators instructed to vote. 2. *Resolved*, That our Senators from this state, be instructed to vote for expunging from the Journal of the Senate of the United States, the resolution passed at their last session; declaring, "That the President in the late Executive proceedings, in relation to the public revenue, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Copies to be forwarded. 3. *Resolved*, That the Governor of this state, be requested to forward a copy of the above Resolutions, to each of our Senators and members in the House of Representatives, at the opening of the next session of Congress.

Passed November 11, 1834.

ACTS

OF THE

FIFTY-NINTH

GENERAL ASSEMBLY

OF THE

State of New-Jersey,

**AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-EIGHTH DAY OF
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-FOUR.**

BEING THE SECOND SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1835.

ACTS
OF THE
FIFTY-NINTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT authorizing the sale of the Real Estate, whereof
James H. Porter died seized.

WHEREAS, James H. Porter, late of the township of Lawrence, in the county of Hunterdon, and state of New-Jersey, on the tenth day of November, in the year of our Lord, one thousand eight hundred and thirty-four, departed this life, intestate and without issue; **AND WHEREAS**, at the time of his death, the said James H. Porter was seized, in fee simple, of a small lot of land, situate in the said township of Lawrence, and was engaged in erecting thereon an edifice, intended as a public school; by reason whereof, he had contracted debts, to a considerable amount, to mechanics and others, in the purchase of the said land, and for work and materials done and furnished, in and upon the construction of said building: **AND WHEREAS**, it is represented to the Legislature, that the personas and real estate of the said James H. Porter, deceased, is insufficient to pay his debts, and that great loss must necessarily result to his creditors, unless a speedy sale of the said real estate be made; the said building, by reason of the sudden death of the said James H. Porter, having been left in an unfinished and exposed state, and liable to great deterioration: **AND WHEREAS**, the widow and creditors of the said James H. Porter, have, by their petition to the Legislature, prayed that the administrator of the said James H. Porter, may be authorized to make immediate sale of the said real estate, and to appropriate the pro-

Preamble.

ceeds thereof, toward the payment of the debts of the said James H. Porter, as if the said real estate were sold by order of the Orphans' Court, for the payment of debts; and the prayer of the said petition, appearing to be reasonable and proper; Therefore,

Administrator
authorized to
sell real estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Lewis W. R. Phillips, administrator of the said James H. Porter, deceased, be, and he is hereby authorized and empowered to sell and dispose of, all and singular, the real estate whereof the said James H. Porter died seized, situate in the township of Lawrence aforesaid, at public vendue, for the best price that can be obtained for the same, upon giving public notice, for the space of one month next preceding the time of said sale, by advertisements, inserted in at least two of the newspapers published in this state, and in one of the newspapers, published in each of the cities of New-York and Philadelphia; and when sold, to make, execute and deliver, in the name of the said Lewis W. R. Phillips, administrator as aforesaid, good, legal and sufficient deed or deeds therefor, to any purchaser or purchasers of the same, which said deed or deeds, shall convey to, and vest in the purchaser or purchasers of the said real estate, the right, title and interest of the said James H. Porter therein, at the time of his death.

Accounts to be
exhibited to Or-
phans' Court.

How Proceeds
of sale to be
applied.

Sec. 2. *And be it enacted,* That the said Lewis W. R. Phillips, shall keep a fair, full, and just account of the proceeds of the sale or sales, made by virtue of this act; and of the costs and expenses thereof; and shall exhibit said account, under oath or affirmation, to the Orphans' Court of the county of Hunterdon, within six months after such sale or sales, for settlement and allowance; which account, shall be filed in the Surrogate's office of the said county; and the said Lewis W. R. Phillips, after deducting from the proceeds of such sale or sales, all legal costs and expenses, and such reasonable commissions, as shall be allowed by the court, shall distribute the balance thereof, according to law, among the creditors of the said James H. Porter, ratably, and in proportion to the amount of their respective claims; first satisfying all legal incumbrances upon the said real estate in the order of their priority.

Sec. 3. *And be it enacted,* That the said Lewis W. R. Phillips, before entering upon the execution of the trust reposed in him by this act, shall enter into bond, to the Governor of this state, in such sum, and with such security, as the Surrogate of the said county of Hunterdon shall approve, conditioned for the faithful performance of the said trust, which bond shall be filed in the office of the said Surrogate; and in case the said bond shall become forfeited, it shall and

may be lawful for the Governor of the state, for the time being, to cause the same to be prosecuted, at the request, and for the benefit, and at the proper costs and charges of the person or persons aggrieved by such forfeiture.

Sec. 4. *And be it enacted*, That no sale or conveyance, under and by virtue of this act, shall impair, or in any wise affect the rights or interests, of any person or persons whatever, other than the heirs at law, of the said James H. Porter, deceased, and those claiming under them, or either of them. Rights of heirs of J. H. Porter only to be affected.

Passed January 16, 1835.

AN ACT FURTHER SUPPLEMENTARY to an act, entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware Rivers" passed, thirty-first December, eighteen hundred and twenty four.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the capital stock of the Morris Canal and Banking Company, be increased for the purpose of completing the said canal, and paying the debts and claims already incurred, by reason of the construction thereof, ten thousand shares, and the President and Directors of said Company, are hereby authorized and empowered, to obtain subscriptions for said shares, in the manner directed by the act to which this is a supplement, and to issue certificates for the same, giving preference to original stockholders still holding their stock; and all stockholders of such additional shares, and their assigns, shall thenceforward be incorporated into the said Company; and, that from and after the passing of this act, the par value of each and every of the shares in said company, as well those heretofore authorized, as those created by this act, shall be one hundred dollars; and that all holders of existing shares, representing two hundred dollars each, may surrender the same, and shall thereupon be entitled to receive new certificates to double the number of shares by them surrendered: *Provided*, that no part of the moneys arising from the subscription hereby authorized, be applied to the exercise of any banking or trust powers whatsoever, but solely and exclusively to the completion of said Canal, and the payment of its debts, as above stated. Stock of Morris Canal and banking Company increased. Par value of shares fixed.

Passed January 19, 1835.

AN ACT to confirm the division of certain Real Estate, between the heirs of Isaac Berdan, deceased.

Preamble.

WHEREAS, a division of the real estate, whereof Isaac Berdan, late of the county of Bergen, deceased, died seized, was made by the Orphans' Court of said county, between Isaac Berdan, junior, Effy Vandelinda, the wife of Ralph Vandelinda, and the devisees of Samuel Berdan, deceased, which Isaac, Effy and Samuel, were the heirs at law of the said Isaac Berdan, deceased : **AND WHEREAS**, the said division is not binding and valid at law, by reason of want of jurisdiction in said Court : **AND WHEREAS**, the said division was justly, equally, and impartially made, by three judicious and disinterested freeholders, under their oaths : **AND WHEREAS**, it is for the interest of all parties concerned, that the said division should be confirmed, and they have joined in petition for the confirmation thereof ; Therefore,

Division of lands of J. Berdan, deceased, &c.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the division of the real estate, whereof Isaac Berdan, late of the county of Bergen, deceased, died seized, made by James H. Brinkerhoff, Isaac I. Van Saun, and David I. Christie, commissioners appointed by the Orphans' Court of the county of Bergen, at the term of January, one thousand eight hundred and twenty-nine, as contained in the map and report by them made and signed, dated the twenty-fourth day of March, one thousand eight hundred and twenty-nine, which report was confirmed by the said Court, and is now on file in the Surrogate's office of the county of Bergen, be confirmed and made valid so as to divide and make partition of the said lands and premises in the same manner as they are therein divided, finally, effectually, and conclusively, between the above named Isaac Berdan, junior, Effy Vandelinda, and the devisees of Samuel Berdan, deceased.

Nature of the estate vested in the heirs.

Sec. 2. And be it enacted, That the shares in the said division, apportioned to Isaac Berdan and Effy Vandelinda, shall vest in each of them respectively in severalty, in fee simple ; and that the shares thereof in said division, apportioned to John Berdan, vest in severalty in the said John Berdan, and in the devisees in remainder of the same estates, and subject to the same limitations, equities, liens, incumbrances, and contingencies, as the undivided share of the said Samuel Berdan, deceased, by his last will and testament vested and was made subject to : *Provided always*, that nothing in this act contained, shall affect the title, claim, or estate, of any other person or persons, except the above named three heirs of Isaac Berdan, deceased, and any one claiming, or to claim, by, through, or under them, or either of them.

Proviso.

Sec. 3. *And be it enacted,* That the act entitled "An act to confirm the division of certain real estate, between the heirs of Isaac Berdan, deceased," passed November the seventh, in the year of our Lord one thousand eight hundred and thirty-four, be, and the same is hereby repealed. Former act repealed.

Passed January 20, 1835.

AN ACT for the relief of the heirs of Letitia Burroughs, deceased.

WHEREAS, it is represented to us, by the petition of Jacob Ege, and Pamela his wife, late Pamela Baldwin, and Zeruah Waters, heirs and devisees of Letitia Burroughs, deceased, that in the month of June, eighteen hundred and twenty-eight, the said Letitia Burroughs died, leaving a last will and testament, devising all her real estate to Pamela Baldwin and Zeruah Waters, to be equally divided between them, share and share alike, the survivor, in case of the death of either of them, without heirs, to take the whole; and if both died without heirs, the said real estate is bequeathed to the school fund of the state, for educating the poor in Pennington: **AND WHEREAS**, Pamela Ege, one of the heirs aforesaid, is married, and the other still living; and the probability of both the devisees dying without heirs, is very remote; and the property being in much need of repairs, and of inconsiderable value, (being a small house and lot in the township of Trenton;) **AND WHEREAS**, the said devisees are unable to keep the said premises in repair, while this contingency of the state's right remains; and it would greatly benefit the said heirs and the said property, to have the same removed and extinguished; Therefore, Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the real estate devised by the will of Letitia Burroughs, deceased, to Pamela Baldwin and Zeruah Waters, upon certain conditions therein specified, be, and the same is hereby vested in the said devisees, in fee simple, and all right and title of the state, to the said bequest, is hereby released, and declared to be forever extinguished, in the same manner, as if the same had been devised by said will, in fee simple. Right of the devisees to certain lands, &c.

Passed January 22, 1835.

AN ACT to amend an act, entitled "An act to incorporate the Farmers' and Mechanics' Bank at New-Brunswick."

Preamble.

WHEREAS, it appears that in the passage of the original act incorporating "The Farmers' and Mechanics' Bank at New-Brunswick," a mistake occurred, in the omission of certain parts of the act, of material consequence, and which mistake, it is supposed took place in copying the bill on re-engrossing; **AND WHEREAS**, it is proper the error should be corrected, and the stockholders holding a majority of the stock of said Bank, having petitioned the Legislature to that effect; **Therefore**,

Limitation of charter.

Legislature may repeal or alter act of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the following section and words omitted in the act entitled "An act to incorporate the Farmers' and Mechanics' Bank at New-Brunswick," viz. "And be it enacted, that this act shall continue in force, until the first day of January, one thousand eight hundred and fifty-five, and no longer; and further, that it shall and may be lawful for the Legislature of this state, at any time hereafter, to alter, modify or repeal this act, whenever, in their opinion, the public good requires it," shall be deemed and taken to be a part of the said original act, and are hereby enacted and made part of the said act, the same as though said section and words had been passed with the said original act.

certain terms in the charter explained.

Sec. 2. *And be it enacted,* That the words "books of the corporation" in the seventeenth section of said act, shall be construed and taken to mean, the transfer books of the said corporation; and that the word transfer be, and the same is hereby added, so as to read the "transfer" books of said corporation, shall at all times during banking hours, be open for the inspection of the stockholders.

Passed January 22, 1835.

AN ACT to enable the President and Directors of the Paterson Bank, to settle the outstanding debts and credits of said Bank, and for other purposes.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the President and Directors of the Paterson Bank, and their successors, be, and they are hereby authorized and required, to declare a dividend of the property which belongs to the said Bank, at the time of its suspending payment.

Dividend to be made of property.

Sec. 2. *And be it enacted,* That in order to enable the President and Directors aforesaid, to settle and close the old concerns of said Bank, and ascertain the true amount to be divided among the stockholders thereof, it shall be lawful for them, four weeks previous notice being given, in a newspaper printed in Paterson, and one in the city of New-York, to sell and dispose of, at public auction, all the goods and chattels, lands and tenements, which still remain undisposed of, and to assign, set over, transfer and convey the same, to the purchasers thereof, and to dispose of the rights and credits of the said Bank to the best advantage, and to transfer the same.

Property to be sold.

Sec. 3. *And be it enacted,* That upon payment or tender of payment of said dividends, to the stockholders of said Bank, the several shares of said stock, upon which payment of said dividend shall be made or tendered as aforesaid, shall be surrendered, and the holders thereof shall have no further claim by reason thereof, upon the present President, Directors and company of the Paterson Bank, nor upon their successors or assigns; *Provided however,* that this section shall not apply to those stockholders who have paid the additional capital, in order to enable the said Bank to resume its operations; *and provided further,* that nothing in this act shall be so construed as to interfere with, or in any wise impair the rights of the stockholders of the original stock, as against the original President, Directors and Company of the Paterson Bank.

Shares to be surrendered by stockholders on receiving dividends.

proviso.

Sec. 4. *And be it enacted,* That the act entitled "An Act supplementary to an act passed the twenty-sixth day of January, in the year of our Lord, one thousand eight hundred and fifteen," passed the second day of February, one thousand eight hundred and sixteen, be, and the same is hereby continued, until the sixteenth day of February, one thousand eight hundred and forty-two, and from thence, to the end of the next session of the Legislature, and no longer.

Limitation of former act extended.

Passed January 22, 1835.

AN ACT to authorize Priscilla Sheppard, widow and administratrix, and Nathan Sheppard, administrator of Robert R. Sheppard, deceased, to execute a certain contract, made by said deceased, with Josiah M. Reeve, William F. Reeve and Emmor Reeve, of the county of Salem, for the sale of Real Estate.

Preamble.

WHEREAS, it appearing to the Legislature, that Robert R. Sheppard, deceased, late of the township of Mannington, in the county of Salem, in this state, who died intestate, did in his life time, make an agreement with Josiah M. Reeve, William F. Reeve and Emmor Reeve, to sell a certain tract of land, to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, of one acre, situated in the township of Upper Alloways Creek, which land Robert R. Sheppard, deceased, in his life time, purchased of one Mason S. Gibbons and wife, as by their deed will appear; and gave the said Reeves possession of said tract of land, who has since possessed the same, but no conveyance has ever been executed for the same; and the said Robert R. Sheppard, having since departed this life, leaving issue under age of twenty-one years, no deed can now be executed without Legislative aid; **AND WHEREAS**, the administrators of the said Robert R. Sheppard, deceased, have, by their petition, requested that they be empowered to make a deed to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, for the tract of land aforesaid; Therefore,

Administrators of R. R. Sheppard authorized to execute a contract for the sale of lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Priscilla Sheppard, administratrix, and Nathan Sheppard, administrator of the said Robert R. Sheppard, deceased, be, and they are hereby authorized and empowered, to execute and deliver to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, a deed for the said tract of land and premises, pursuant to said agreement between them and said deceased; which deed, shall have the same force and effect, as a deed from the said Robert R. Sheppard, in his life time, would have had; and also, to receive the purchase money which remains unpaid, and distribute it among the several heirs of the said Robert R. Sheppard, deceased, as by law they are required to distribute other money belonging to said estate.

Passed January 27, 1835.

A SUPPLEMENT to an act entitled "An act to incorporate the New-Jersey Insurance Company in the County of Essex."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said Company (in addition to the privileges granted in the act to which this is a supplement,) to purchase annuities.

Company may purchase annuities.

Sec. 2. *And be it enacted,* That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by twenty-five directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in their own right, and shall be citizens of New-Jersey; and the said directors shall be hereafter elected on the last Tuesday of January, in each and every year, at such hour of the day, and at such place in the town of Newark, as the board of directors, for the time being, shall appoint; of which election public notice shall be given in the newspapers, printed in the town of Newark, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or represented by their proxies; but no share shall entitle the holder to vote, unless the same has been held by him at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States; and it shall be lawful for the commissioners named in the eighth section of the act to which this is a supplement, or a majority of them, after the capital stock of the said company shall be subscribed for, to give public notice in the manner herein before prescribed, of an election by the stockholders, of the first directors of the said company, to be made on such day and at such hour of the day, and at such place in the town of Newark, as the said commissioners shall appoint; and the said election shall be made by ballot, and by a plurality of the votes of the stockholders then present or represented by their proxies, the number of votes of each stockholder at the said election, shall be estimated in the manner provided in the eleventh section of the act to which this is a supplement; and the said commissioners shall be judges of the said election, and shall conduct and regulate the same; and the directors chosen at the said election, shall respectively hold their offices until the last Tuesday in January, in the year of our Lord, one thousand eight hundred and thirty-six, and until others are chosen in their stead; and shall, as soon as convenient after their election, proceed to choose out of their own body, one person to be President, who shall be an in-

Number of directors.

Must be citizens of N. Jersey.

Time, place and mode of election of directors.

President to be chosen.

habitant of Newark, and who shall preside until the next election thereafter.

Legislature may
modify or repeal
this act.

Sec. 3. *And be it enacted*, That the Legislature shall have power, at any time hereafter, to repeal, alter, or modify this act, or the act to which this is a supplement, or any of its provisions.

Parts of former
act repealed.

Sec. 4. *And be it enacted*, That the fifth and twenty-first sections of the act to which this is a supplement, shall be, and the same are hereby repealed.

Passed January 28, 1835.

AN ACT to authorize a Trustee therein named, to sell a part
of the Real Estate of Abram Creque, deceased.

Preamble.

WHEREAS, it is represented to this Legislature, that Abram Creque, late of the county of Middlesex, and state of New-Jersey, died seized of a farm or plantation, situate in the township of West-Windsor, in said county, containing one hundred and thirty acres, more or less, and leaving a widow and several heirs at law, some of whom, by reason of their minority, are unable to join in the execution of a deed for the premises, which can now be sold on advantageous terms, if a title could be made for the same: **AND WHEREAS**, application has been made on the part of Ellen Nelson, who is one of the grand children of the deceased, and under the age of twenty-one years, praying a law appointing a trustee, to sell her share in the real estate of the deceased; which appearing to be reasonable, and for the interest of the minor, as her share in the said real estate is unproductive in its present situation; Therefore,

Trustee appointed
to sell share
of E. Nelson in
estate of A. Cre-
que, deceased.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Abram M. Creque, be, and he is hereby appointed, a trustee, with full power and authority to sell, for the best price he can obtain, the right, title, and interest, which the said Ellen Nelson has in the real estate of her grandfather, Abram Creque, late of the county of Middlesex, deceased; and, after the sale thereof, to make and execute a good and sufficient deed of conveyance to the purchaser.

Sec. 2. *And be it enacted*, That the said trustee, after making sale in manner aforesaid, shall account to the Or-

orphans' Court of the county of Middlesex, at the term next succeeding such sale, for the proceeds of said sale; and after a fair and just allowance of all costs, charges and expenses attending the sale, made and allowed by the said court, shall invest the balance of said proceeds at interest, upon good and sufficient security, to remain so at interest, till the said Ellen Nelson shall attain the age of twenty-one, then to be paid to her; and in case of her death, and before she attain the age of twenty-one, to be paid to her heirs, in such manner, as if this act had not passed.

Trustee to account to Orphans' Court of Middlesex.

How proceeds of sale to be disposed of.

Sec. 3. *And be it enacted*, That the said trustee shall, before he enters upon the duties prescribed by this act, enter into bond to the Governor of this state, with one sufficient surety, to be approved by the Surrogate of the county of Middlesex, conditioned for the faithful performance of said trust.

Trustee to give bond.

Passed January 29, 1835.

AN ACT to Incorporate the Morris and Essex Rail Road Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That James Cook, William N. Wood, William Brittin, Jephtha B. Munn, Israel D. Condict, John I. Bryans, Isaac Baldwin, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and in name, by the name of "The Morris and Essex Rail Road Company," and by that name, they, and their successors and assigns, shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That the capital stock of said company, shall be three hundred thousand dollars, with liberty to the said company to increase the same to five hundred

Amount of capital stock.

thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct.

Books of subscription for stock to be opened.

Notice of election of electors.

Time and manner of election of directors.

President to be chosen.

How vacancies supplied.

Sec. 3. *And be it enacted,* That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them may think proper; and at the time of subscribing for said stock, five dollars on each share subscribed, shall be paid to said commissioners, in gold or silver coin, or legal and current bank notes; that whenever there shall be two thousand shares of the said stock subscribed, the said commissioners may give notice for a meeting of the stockholders to choose nine directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a President; and in case of the death, resignation, or removal of the President, or any director, such vacancy or vacancies, may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the President, the said board of directors, or a majority of them, may appoint a President pro tempore, who shall have such power and functions, as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 4. *And be it enacted,* That in case it should happen that an election of directors should not be made during the day, when, pursuant to this act it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, and the directors, for the time being, shall continue to hold their office, until new ones shall have been chosen in their places.

Power and duties of directors.

Sec. 5. *And be it enacted,* That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company, by such instalments, not to exceed five dollars on each share at any one time, and at such

times as they may direct ; *Provided*, that such instalments shall not be called for at a shorter period than thirty days from each other ; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares, upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation ; and also, shall have power to appoint a Secretary, and so many Clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the President, as to the said board shall appear proper ;

Sec. 6. *And be it enacted*, That the President and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, or lateral roads, from one or more suitable place or places, in the village of Morristown, to intersect one or more place or places in the rail road, known by the name of "The New-Jersey Rail Road and Transportation Company," at Newark, or at Elizabeth town, in the county of Essex, or between those places, not exceeding sixty-six feet wide, with as many sets of tracts and rails, as they may deem necessary ; and it shall be lawful for the said President and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times, upon all lands or water, for the purpose of exploring, surveying, leveling or laying out the route or routes of such rail road or lateral roads, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property ; and when the route or routes of such road or lateral roads, shall have been determined upon, and a survey of such route or routes deposited in the office of the Secretary of State ; then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road or roads, subject to such compensation as is hereinafter provided : *Provided always*, that the payment or tender of the payment of all damages, for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

Location of rail road.

Power of corporation, &c.

Proceedings
when the com-
pany and the
owners of lands
cannot agree.

Sec. 7. *And be it enacted,* That if the owners of the land on which such rail road or rail roads shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of Common Pleas of the county in which the said disputed lands shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days notice, in writing, to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county, to assess the price or value of said land, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after like notice to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award, as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the Clerk's office of the county, there to be kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved, may appeal to the inferior court of Common Pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice, in writing, to the opposite party of such appeal, which proceeding shall vest in the said court of Common Pleas, full right and power to hear and adjudge the same, and if required, they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury, to assess the value of the said lands, and all damages sustained, and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Sec. 8. *And be it enacted,* That in case any owner or owners of such land or real estate, shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of Chancery, to the Clerk thereof, subject to the order of the said Court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for, and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witnesses fees.

In certain cases company to pay the value of lands into the court of Chancery.

Sec. 9. *And be it enacted,* That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over or under the said rail road or roads, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair, suitable wagon-ways over or under said road, so that he may pass the same; and if the company neglect to perform the same, after giving twenty days notice to the company, by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation, by common process of law.

Other roads not to be obstructed

Sec. 10. *And be it enacted,* That the President and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient or right; *Provided,* they shall not charge more than at the rate of six cents per mile, per ton, for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said rail-ways, in the carriages of the company. or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said rail-ways in the carriages of others, and three cents per mile for each empty carriage; and that the rail road or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates of passage or transportation.

Proceedings
when the com-
pany and the
owners of lands
cannot agree.

Sec. 7. And be it enacted, That if the owners of on which such rail road or rail roads shall be made, shall not be willing to give the same for such purpose, and the company and owner cannot agree as to the price, it shall be the duty of any judge of the inferior Court of Common Pleas of the county in which the said land shall lie, who is disinterested in the premises, and after giving notice in writing, to the opposite party of such hearing the parties, to appoint three assessors of such county, to assess the land, who shall be sworn before said judge to execute the duties of such appointment, and to appear to both parties, of the time and place of such hearing, and hear the parties thereupon make such decision as shall appear just and proper, and the decision, together with a description of the quantity taken, by whom, and described in writing, shall be put in the hands and seals of a notary public, and pointed them, to be kept in the office of the notary, and all papers before him, and the county, there taken, if required, shall be given to the party so aggrieved, and other necessary uses, and take and profits, and emoluments thereof; and shall have full power and authority to erect, build, and maintain a bridge over the Passaic river, on the line of said road, and they may think expedient and necessary, for the enjoyment of all the benefits conferred by this act.

Sec. 14. And be it enacted, That the road or roads authorized by this act, be, and the same are hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act: *Provided always,* that the said carriages so used thereon, shall be of the same description in the formation of the wheels, and length of axle, as those used by the company, and shall be so regulated as to the time of starting, and rates of travelling, as not to interfere with the carriages of the company.

Sec. 15. And be it enacted, That as soon as the rail road, with its appendages, shall be finished so as to be used, the President and Treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, in the office of the Secretary of State; and annually thereafter, the President and Treasurer of the said company shall, under oath or affirmation, make a statement to the Legislature of this state, of the

Statement of
cost of road, &c.

road : and as soon as the net proceeds of **shall pay to the Treasurer of this state,** **one per centum on the cost of said road,** **thereafter, on the first Monday in Janua-** **vided, that no other tax or impost shall** **on the said company.**

Annual state-
ment to Legis-
lature.

when tax to be
paid.

1, That at any time after the ex-
he completion of said road, the
use an appraisement of the
reof, to be made by six per-
ted by the Chief Justice
remaining three by the
shall report the value
ear from the time of
cannot agree, they shall
aforesaid six, shall report as
a company shall neglect or refuse
persons on their part, for two months
ointment, by the said Chief Justice, then
as so appointed by him, shall proceed to make
ement, which shall be binding on the said com-

After 50 years
state may take
the road at ap-
praised value.

in case the said six commissioners shall be appoint-
aforesaid, and they cannot agree upon the seventh man,
men, upon two weeks notice to the said company, the said
Chief Justice shall appoint such seventh man, as aforesaid,
to make such appraisement as aforesaid; and thereupon, the
state shall have the privilege for three years, of taking the
said road, upon the payment to the company of the amount of
the said report, within one year after electing to take said
road; which report shall be filed in the office of the Secre-
tary of this state, and the whole property and interest of
said road, and the appendages thereof, shall be vested in
the state of New-Jersey, upon payment of the amount so re-
ported to the said company; and that it shall be the duty of
the President of the company to lay before the legislature, un-
der oath or affirmation, when they shall so request, a full and
fair statement of the costs of the said road, and of all the re-
ceipts and disbursements of the company; *Provided always,*
that the aforesaid valuation shall be made without reference
to the receipts or disbursements of the company, or advance
of the stock; and the said valuation shall in no case exceed
the first cost or valuation of said road, with the appendages
thereof.

Mode of ap-
praisement.

Valuation not to
exceed first cost.

Sec. 17. *And be it enacted,* That if the said rail road shall
not be completed, and in use, at the expiration of ten years
from the fourth day of July next ensuing, that then, and in
that case, this act shall be void.

When act to be
void.

Sec. 18. *And be it enacted,* That the Legislature of this

AN ACT to authorize Priscilla Sheppard, widow and administratrix, and Nathan Sheppard, administrator of Robert R. Sheppard, deceased, to execute a certain contract, made by said deceased, with Josiah M. Reeve, William F. Reeve and Emmor Reeve, of the county of Salem, for the sale of Real Estate.

Preamble.

WHEREAS, it appearing to the Legislature, that Robert R. Sheppard, deceased, late of the township of Mannington, in the county of Salem, in this state, who died intestate, did in his life time, make an agreement with Josiah M. Reeve, William F. Reeve and Emmor Reeve, to sell a certain tract of land, to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, of one acre, situated in the township of Upper Alloways Creek, which land Robert R. Sheppard, deceased, in his life time, purchased of one Mason S. Gibbons and wife, as by their deed will appear; and gave the said Reeves possession of said tract of land, who has since possessed the same, but no conveyance has ever been executed for the same; and the said Robert R. Sheppard, having since departed this life, leaving issue under age of twenty-one years, no deed can now be executed without Legislative aid; **AND WHEREAS**, the administrators of the said Robert R. Sheppard, deceased, have, by their petition, requested that they be empowered to make a deed to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, for the tract of land aforesaid; Therefore,

Administrators of R. R. Sheppard authorized to execute a contract for the sale of lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Priscilla Sheppard, administratrix, and Nathan Sheppard, administrator of the said Robert R. Sheppard, deceased, be, and they are hereby authorized and empowered, to execute and deliver to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, a deed for the said tract of land and premises, pursuant to said agreement between them and said deceased; which deed, shall have the same force and effect, as a deed from the said Robert R. Sheppard, in his life time, would have had; and also, to receive the purchase money which remains unpaid, and distribute it among the several heirs of the said Robert R. Sheppard, deceased, as by law they are required to distribute other money belonging to said estate.

Passed January 27, 1835.

A SUPPLEMENT to an act entitled "An act to incorporate the New-Jersey Insurance Company in the County of Essex."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said Company (in addition to the privileges granted in the act to which this is a supplement,) to purchase annuities.

Company may purchase annuities.

Sec. 2. *And be it enacted,* That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by twenty-five directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in their own right, and shall be citizens of New-Jersey; and the said directors shall be hereafter elected on the last Tuesday of January, in each and every year, at such hour of the day, and at such place in the town of Newark, as the board of directors, for the time being, shall appoint; of which election public notice shall be given in the newspapers, printed in the town of Newark, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or represented by their proxies; but no share shall entitle the holder to vote, unless the same has been held by him at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States; and it shall be lawful for the commissioners named in the eighth section of the act to which this is a supplement, or a majority of them, after the capital stock of the said company shall be subscribed for, to give public notice in the manner herein before prescribed, of an election by the stockholders, of the first directors of the said company, to be made on such day and at such hour of the day, and at such place in the town of Newark, as the said commissioners shall appoint; and the said election shall be made by ballot, and by a plurality of the votes of the stockholders then present or represented by their proxies, the number of votes of each stockholder at the said election, shall be estimated in the manner provided in the eleventh section of the act to which this is a supplement; and the said commissioners shall be judges of the said election, and shall conduct and regulate the same; and the directors chosen at the said election, shall respectively hold their offices until the last Tuesday in January, in the year of our Lord, one thousand eight hundred and thirty-six, and until others are chosen in their stead; and shall, as soon as convenient after their election, proceed to choose out of their own body, one person to be President, who shall be an in-

Number of directors.

Must be citizens of N. Jersey.

Time, place and mode of election of directors.

President to be chosen.

habitant of Newark, and who shall preside until the next election thereafter.

Legislature may modify or repeal this act. Sec. 3. *And be it enacted*, That the Legislature shall have power, at any time hereafter, to repeal, alter, or modify this act, or the act to which this is a supplement, or any of its provisions.

Parts of former act repealed. Sec. 4. *And be it enacted*, That the fifth and twenty-first sections of the act to which this is a supplement, shall be, and the same are hereby repealed.

Passed January 28, 1835.



AN ACT to authorize a Trustee therein named, to sell a part of the Real Estate of Abram Creque, deceased.

Preamble. WHEREAS, it is represented to this Legislature, that Abram Creque, late of the county of Middlesex, and state of New-Jersey, died seized of a farm or plantation, situate in the township of West-Windsor, in said county, containing one hundred and thirty acres, more or less, and leaving a widow and several heirs at law, some of whom, by reason of their minority, are unable to join in the execution of a deed for the premises, which can now be sold on advantageous terms, if a title could be made for the same: AND WHEREAS, application has been made on the part of Ellen Nelson, who is one of the grand children of the deceased, and under the age of twenty-one years, praying a law appointing a trustee, to sell her share in the real estate of the deceased; which appearing to be reasonable, and for the interest of the minor, as her share in the said real estate is unproductive in its present situation; Therefore,

Trustee appointed to sell share of E. Nelson in estate of A. Creque, deceased. Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Abram M. Creque, be, and he is hereby appointed, a trustee, with full power and authority to sell, for the best price he can obtain, the right, title, and interest, which the said Ellen Nelson has in the real estate of her grandfather, Abram Creque, late of the county of Middlesex, deceased; and, after the sale thereof, to make and execute a good and sufficient deed of conveyance to the purchaser.

Sec. 2. *And be it enacted*, That the said trustee, after making sale in manner aforesaid, shall account to the Or-

phans' Court of the county of Middlesex, at the term next succeeding such sale, for the proceeds of said sale; and after a fair and just allowance of all costs, charges and expenses attending the sale, made and allowed by the said court, shall invest the balance of said proceeds at interest, upon good and sufficient security, to remain so at interest, till the said Ellen Nelson shall attain the age of twenty-one, then to be paid to her; and in case of her death, and before she attain the age of twenty-one, to be paid to her heirs, in such manner, as if this act had not passed.

Trustee to account to Orphans' Court of Middlesex.

How proceeds of sale to be disposed of.

Sec. 3. *And be it enacted*, That the said trustee shall, before he enters upon the duties prescribed by this act, enter into bond to the Governor of this state, with one sufficient surety, to be approved by the Surrogate of the county of Middlesex, conditioned for the faithful performance of said trust.

Trustee to give bond.

Passed January 29, 1835.

AN ACT to Incorporate the Morris and Essex Rail Road Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That James Cook, William N. Wood, William Brittin, Jephtha B. Munn, Israel D. Condict, John I. Bryans, Isaac Baldwin, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and in name, by the name of "The Morris and Essex Rail Road Company," and by that name, they, and their successors and assigns, shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That the capital stock of said company, shall be three hundred thousand dollars, with liberty to the said company to increase the same to five hundred

Amount of capital stock.

thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct.

Books of subscription for stock to be opened.

Notice of election of electors.

Time and manner of election of directors.

President to be chosen.

How vacancies supplied.

Sec. 3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them may think proper; and at the time of subscribing for said stock, five dollars on each share subscribed, shall be paid to said commissioners, in gold or silver coin, or legal and current bank notes; that whenever there shall be two thousand shares of the said stock subscribed, the said commissioners may give notice for a meeting of the stockholders to choose nine directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a President; and in case of the death, resignation, or removal of the President, or any director, such vacancy or vacancies, may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the President, the said board of directors, or a majority of them, may appoint a President pro tempore, who shall have such power and functions, as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day, when, pursuant to this act it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, and the directors, for the time being, shall continue to hold their office, until new ones shall have been chosen in their places.

Power and duties of directors.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company, by such instalments, not to exceed five dollars on each share at any one time, and at such

times as they may direct ; *Provided*, that such instalments shall not be called for at a shorter period than thirty days from each other ; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares, upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation ; and also, shall have power to appoint a Secretary, and so many Clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the President, as to the said board shall appear proper ;

Sec. 6. *And be it enacted*, That the President and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, or lateral roads, from one or more suitable place or places, in the village of Morristown, to intersect one or more place or places in the rail road, known by the name of " The New-Jersey Rail Road and Transportation Company," at Newark, or at Elizabeth town, in the county of Essex, or between those places, not exceeding sixty-six feet wide, with as many sets of tracts and rails, as they may deem necessary ; and it shall be lawful for the said President and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times, upon all lands or water, for the purpose of exploring, surveying, leveling or laying out the route or routes of such rail road or lateral roads, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property ; and when the route or routes of such road or lateral roads, shall have been determined upon, and a survey of such route or routes deposited in the office of the Secretary of State ; then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road or roads, subject to such compensation as is hereinafter provided : *Provided always*, that the payment or tender of the payment of all damages, for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

Location of rail road.

Power of corporation, &c.

Proceedings
when the com-
pany and the
owners of lands
cannot agree.

Sec. 7. And be it enacted, That if the owners of the land on which such rail road or rail roads shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of Common Pleas of the county in which the said disputed lands shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days notice, in writing, to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county, to assess the price or value of said land, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after like notice to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award, as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the Clerk's office of the county, there to be kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved, may appeal to the inferior court of Common Pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice, in writing, to the opposite party of such appeal, which proceeding shall vest in the said court of Common Pleas, full right and power to hear and adjudge the same, and if required, they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury, to assess the value of the said lands, and all damages sustained, and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Sec. 8. *And be it enacted,* That in case any owner or owners of such land or real estate, shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of Chancery, to the Clerk thereof, subject to the order of the said Court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for, and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witnesses fees.

In certain cases company to pay the value of lands into the court of Chancery.

Sec. 9. *And be it enacted,* That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over or under the said rail road or roads, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair, suitable wagon-ways over or under said road, so that he may pass the same; and if the company neglect to perform the same, after giving twenty days notice to the company, by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation, by common process of law.

Other roads not to be obstructed

Sec. 10. *And be it enacted,* That the President and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient or right; *Provided,* they shall not charge more than at the rate of six cents per mile, per ton, for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said rail-ways, in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said rail-ways in the carriages of others, and three cents per mile for each empty carriage; and that the rail road or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates of passage or transportation.

Time annual dividends of proceeds to be made.

Sec. 11. *And be it enacted,* That the President and directors shall, within one year after the said rail road shall have been completed, declare and make such dividend as they may deem prudent and proper, of the net proceeds thereof, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for injuring rail road, &c.

Sec. 12. *And be it enacted,* That if any person shall wilfully impair, injure, destroy or obstruct the use of any rail road constructed under the provisions of this act, by the said company, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending, shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; *And further,* shall be liable for all damages.

What real estate may be held.

Sec. 13. *And be it enacted,* That the said company may have and hold real estate at the commencement and termination of said road or roads, not exceeding two acres at each place; and may erect and build thereon houses, ware-houses, machine shops, and such other buildings and improvements, as they may deem expedient for the safety of property, and construction of carriages, and other necessary uses, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain such a bridge over the Passaic river, on the line of said road, as they may think expedient and necessary, for the full enjoyment of all the benefits conferred by this act.

Company may erect a bridge over the Passaic.

Road declared a public highway.

Sec. 14. *And be it enacted,* That the road or roads authorized by this act, be, and the same are hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act: *Provided always,* that the said carriages so used thereon, shall be of the same description in the formation of the wheels, and length of axle, as those used by the company, and shall be so regulated as to the time of starting, and rates of travelling, as not to interfere with the carriages of the company.

Proviso.

Statement of cost of road, &c.

Sec. 15. *And be it enacted,* That as soon as the rail road, with its appendages, shall be finished so as to be used, the President and Treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, in the office of the Secretary of State; and annually thereafter, the President and Treasurer of the said company shall, under oath or affirmation, make a statement to the Legislature of this state, of the

proceeds of said road; and as soon as the net proceeds of said rail road shall amount to seven per centum upon its cost, the said corporation shall pay to the Treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually thereafter, on the first Monday in January of each year: *Provided*, that no other tax or impost shall be levied or assessed upon the said company.

Annual statement to Legislature.

when tax to be paid.

Sec. 16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the Chief Justice of this state, for the time being, the remaining three by the company; who, or a majority of them, shall report the value thereof to the Legislature, within one year from the time of their appraisement; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after their said appointment, by the said Chief Justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks notice to the said company, the said Chief Justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid; and thereupon, the state shall have the privilege for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road; which report shall be filed in the office of the Secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New-Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the President of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *Provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

After 50 years, state may take the road at appraised value.

Mode of appraisement.

Valuation not to exceed first cost.

Sec. 17. *And be it enacted*, That if the said rail road shall not be completed, and in use, at the expiration of ten years from the fourth day of July next ensuing, that then, and in that case, this act shall be void.

When act to be void.

Sec. 18. *And be it enacted*, That the Legislature of this

Right of subscription reserved to the state.

state, shall have the right to subscribe for stock of the said company, to the amount of fifty thousand dollars, at any time before or within two years after the said road or roads are completed.

Public act.

Sec. 19. *And be it enacted*, That this act shall be deemed and taken as a public act; and shall, at all times, be recognized as such, in all courts and places whatsoever.

Funds not to be used for banking purposes.

Sec. 20. *And be it enacted*, That no part of the funds of this company, shall be used for banking or other purposes, not plainly indicated by the provisions of this act; and that the Legislature reserve to themselves the right to alter, amend, or repeal this act, whenever they think proper.

Passed January 29, 1835.



AN ACT authorizing the sale of certain Lands, of which Jacob Vandoren, of the County of Somerset, died seized.

Preamble.

WHEREAS, it appears to the Legislature that Jacob Vandoren, late of the county of Somerset, in and by his last will and testament, bearing date the twelfth day of September, eighteen hundred and ten, did order and direct, that a certain farm of him, the testator, called "the Compton farm," should be taken in charge by his executors, and be by them leased out, from time to time, to the best advantage, during the natural life of his son John Vandoren, and the net proceeds thereof be appropriated to, and for the use and comfortable support of his said son; and did further order and direct, that at the termination of the natural life of his said son John, his executors should, at their discretion, sell and dispose of the said "Compton farm;" and did give and bequeath the proceeds of such sale, in equal shares, to his four daughters, viz: Aully Logan, Elizabeth Annin, Lane Vandoren and Mary Vandoren, and the child and children of the said John, if he should die, leaving any child or children: **AND WHEREAS**, it is represented and made to appear to the Legislature, that the said "Compton farm," so far as regards buildings and fences, and is very much out of repair, and daily becoming more so: that the net proceeds thereof, are not sufficient to furnish a good and comfortable support for the said John Vandoren, who is now

a lunatic, and that it would be greatly for the benefit of all parties interested, that the said farm should be sold and disposed of, and the proceeds thereof properly invested and secured, for the uses mentioned in the said last will and testament of the said Jacob Vandoren, deceased; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William Annin and Samuel Ayres, be, and they are hereby authorized and empowered to sell at public auction, the said "Compton farm," for the highest sum of money the same will bring, first giving notice of the time and place of sale, in at least one of the newspapers published in the said county, for four weeks successively, and setting up advertisements in five or more public places in the said county, for the same time; and to execute, make and deliver a good conveyance in law, to the purchaser or purchasers, for the same, which conveyance shall vest in the purchaser or purchasers, his, or their heirs and assigns, all the estate, right, title and interest, which the said Jacob Vandoren had in the said farm, at the time of his death.

W. Annin and
S. Ayres autho-
rized to sell the
Compton farm.

Sec. 2. *And be it enacted,* That the said Willim Annin and Samuel Ayres, shall exhibit to the Orphans' Court of the county of Somerset, next after the said sale, under oath, an exact statement of the amount of the said sale, to be recorded and filed in the office of the Surrogate of said county; and the said Orphans' Court, after approving and confirming said sale, and after allowing all just and reasonable costs and charges incurred in the execution of this trust, shall order and direct the said William Annin and Samuel Ayres, to place out at interest, the balance of the proceeds of the said sale, upon good and sufficient security, to be approved of by the said Orphans' Court; and the said William Annin and Samuel Ayres, shall appropriate and apply, from time to time, the said interest, or such part thereof, as may be necessary to, and for, the comfortable support of the said John Vandoren, during his natural life; and after his death, shall pay the balance of the said proceeds, and arrears of interest, according to the directions, true intent and meaning of the said last will and testament of Jacob Vandoren, deceased.

Accounts to be
filed in Surro-
gate's office of
Somerset.

Proceeds of sale
to be placed at
interest for the
support of J.
Vandoren, ex-
ecutor.

Sec. 3. *And be it enacted,* That the said William Annin and Samuel Ayres, before they enter upon the trust reposed in them by this act, shall enter into bond, to the Governor of this state, with such surety, and in such sum, as shall be approved of by the Judges of the Orphans' Court of the county of Somerset; conditioned for the faithful performance of the trust reposed in them by this act; which bond shall be deposited in the office of the Surrogate of the said county.

Bond to be
given to Gover-
nor.

Passed February 4, 1835.

E

AN ACT to confirm and make effectual a Deed of conveyance from Ashbel W. Cory, Trustee, under the will of Daniel Tichenor, deceased, to Gabriel Tichenor.

Preamble.

WHEREAS, it appears to the Legislature that Daniel Tichenor, deceased, late of Newark, in the state of New-Jersey, by his last will and testament, did devise to his executors therein named, a certain portion of his Real Estate, in trust, for the use of his daughter, Mrs. Abby Freeman, during her natural life, and authorize them, upon the request of the said Abby Freeman, to sell and convey the same, and invest the proceeds on bond and mortgage, or in safe and productive stocks, and to pay over the interest to the said Abby Freeman; **AND WHEREAS**, it further appears, that Ashbel W. Cory, one of the executors named in the said last will and testament, has duly proved the same, and taken upon himself the execution thereof, and hath, at the request of the said Abby Freeman, sold and conveyed to Gabriel Tichenor, a certain part of said trust estate, being a lot of land in the township of Newark, fifty feet front, on the Essex and Middlesex turnpike road, and about four hundred and forty-three feet deep; as by reference to the deed of conveyance, bearing date the fifth day of January, in the year of our Lord, eighteen hundred and thirty-five, will more fully appear; **AND WHEREAS**, it further appears, that the said lot of land was sold, for the purpose of raising money to erect a dwelling house upon another part of said trust estate, for the accommodation of the said Abby Freeman and her family; and that the consideration money for the said conveyance, hath been applied to that purpose; **AND WHEREAS**, the said Ashbel W. Cory and Abby Freeman, have petitioned the Legislature to pass an act, to confirm and make effectual the said deed of conveyance, to the said Gabriel Tichenor, and the said request appearing to be reasonable and just; **Therefore**,

A. W. Cory
authorized to
convey certain
lands to G.
Tichenor.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said deed of conveyance from the said Ashbel W. Cory, to the said Gabriel Tichenor, shall be deemed and taken to be good and effectual in law, to vest in said Gabriel Tichenor, his heirs and assigns, the title of the lot of land mentioned in said deed of conveyance, as fully and amply, to all intents and purposes, as the same would have vested in the said Gabriel Tichenor, his heirs and assigns, if the consideration money thereof had been invested on bond and mortgage, or in safe and productive stocks, according to the directions of said last will and testament, and the codicil thereto.

Passed February 4, 1835.

A FURTHER SUPPLEMENT to the act entitled "An Act to incorporate the Belvidere Delaware Bridge Company," passed the fifth day of March, eighteen hundred and thirty-two.

WHEREAS, it is represented to the Legislature, by the petition of the stockholders of the Belvidere Delaware Bridge Company, that the site of the said bridge, fixed upon by the commissioners elected for that purpose, is not approved of by many of the said stockholders, and that they have agreed and fixed upon the location hereinafter mentioned, as most satisfactory to them, and to the public at large, and best calculated to promote the objects for which the charter of the said company was granted; **AND WHEREAS**, some amendments to the said charter, are deemed necessary, as well to effect the change of the location, as for other purposes, in the said petition set forth; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the location of the said bridge, shall be changed from the place fixed upon by the said commissioners, to such place as the President and Directors, or a majority of them, shall deem most eligible for the purpose, (*provided however, that on the New-Jersey side, it shall be north of Pequest river, and between the same and the point where the southern line of Water-street would strike the Delaware, if said street were continued straight through the bluff,*) and that the company shall be entitled to the same rights, privileges and immunities, as if such location had been fixed upon by the commissioners aforesaid.

Location of bridge authorized to be changed.

Sec. 2. *And be it enacted,* That the number of Directors of the said company, shall be increased to ten; and that it shall and may be lawful for the stockholders of the said company, to hold an election in the manner prescribed by their charter, and at such time and place as the President and Directors, or a majority of them, may appoint, for the purpose of electing the four additional Directors, and also, of electing a person or persons, to supply any vacancy or vacancies which may exist, in any of the offices of the said company; and that the Directors, and other officers so elected, shall hold their offices until the next annual election, and until others are appointed; and that it shall and may be lawful for the President and Directors, or a majority of them, to fill up vacancies which may occur in the board, or in any of the offices of the company, between the annual elections; and that the persons, by them appointed to fill such vacancies, shall be entitled to the same privileges, and liable to the same restrictions and penalties, in every respect, as if elect-

Number of directors increased.

Vacancies to be supplied.

ed by the stockholders; and shall hold their offices until the next annual election, and until others are elected.

Seven directors to be a quorum. Sec. 3. *And be it enacted*, That from and after the election of the additional number of Directors, seven Directors, or the President and six Directors, shall be a quorum at all meetings for the transaction of business.

Part of former act repealed. Sec. 4. *And be it enacted*, That so much of the act, entitled "An act to incorporate the Belvidere Delaware Bridge Company," passed the fifth day of March, eighteen hundred and thirty-two, as is incompatible with the provisions of this act, and no more, be, and the same is hereby repealed; *Provided always*, that this act shall not take effect or go into operation, until it is sanctioned, or a similar act passed by the Legislature of the Commonwealth of Pennsylvania.

Passed February 6, 1835.

AN ACT to authorize the chosen Freeholders, of the Counties of Bergen and Essex, to build a Draw-Bridge over the navigable waters of the Passaic River, at Acquackanonk.

Bridge authorized to be built, on the Passaic at Acquackanonk. Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the boards of chosen freeholders, of the counties of Bergen and Essex, be, and are hereby authorized to build and maintain a good and sufficient bridge, over the Passaic river, at Acquackanonk, at any place between the present bridge and a point opposite the road that leads from Hackensack to Acquackanonk, where it strikes the river, a short distance south of the dwelling house of Michael Van Winkle, on the Bergen shore, with a draw therein, to be at least twenty-eight feet wide, and to be fixed in that part of the said bridge, where the vessels and boats may pass through with the greatest convenience.

Width of draw.

Penalty for leaving draw open. Sec. 2. *And be it enacted*, That if any captain of a vessel, or other person or persons, shall open the draw of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of

timber, drawposts or piles, or shall remove any iron or stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge or draw unnecessarily, he, she, or they so offending, shall, for each and every offence, forfeit and pay the sum of twenty dollars, over and above the damage done to said bridge or draw, to be recovered in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one-half of said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county Collectors of Bergen and Essex, to and for the use of the counties.

Sec. 3. *And be it enacted,* That in case it should become necessary for the protection of said bridge and draw, and the accommodation of persons passing over or through said bridge, to have the same put in special care of some person suitable for that purpose, then, and in that case, it shall and may be lawful for the boards of chosen freeholders of the said counties, for the time being, to make such regulations as they shall deem necessary, for the better protection and accommodation of the same; *Provided*, they shall be in accordance with the preceding sections of this act.

A person may be appointed to take care of the bridge.

Passed February 7, 1835.

AN ACT to authorize the sale and conveyance of the Real Estate, late of Joseph P. Chamberlin, deceased.

WHEREAS, Joseph P. Chamberlin, late of Flemington, in the county of Hunterdon, and state of New-Jersey, departed this life on or about the year of our Lord, eighteen hundred and twenty-five, intestate, leaving a widow and four children, all of whom are still living, the youngest being a minor of the age of sixteen years; **AND WHEREAS**, the said intestate, died seized of a considerable real estate, situate in the counties of Hunterdon and Middlesex, which remains in the hands of said widow and heirs, undivided, consisting principally of small lots, with dwelling houses, and other buildings thereon, which, in consequence of the great length of time since the decease of said intestate, the prosecution of a large claim against said heirs, and the want of proper care and attention on the part of tenants, has suffered and is suffering very much for want of re-

Preamble.

pairs, which the said heirs are not able to make thereto; AND WHEREAS, it is represented to this Legislature, that the said claim has been amicably compromised, and that the said widow and heirs are desirous that said real estate should be sold, and that their interest would be much enhanced thereby; Therefore,

Trustees appointed to sell real estate.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Hugh Smith, of the city of Philadelphia, and John S. Chamberlin and Andrew Miller, of the county of Hunterdon, or survivors or survivor of them, be, and they are hereby authorized and empowered to grant, sell, convey, and dispose of all or any part or parcel of the said real estate, at such time or times, and in such lots or parcels, either at public or private sale, as to them may seem expedient and most advantageous, for the best price or prices they can obtain for the same; and for the same or any part thereof, when so sold, to make and execute, in due form of law, in their own names, or in the names of the survivors or survivor of them, a good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof.

Trustees to keep accounts of sale.

Manner of disposing of proceeds of sales.

Sec. 2. *And be it enacted*, That the said Hugh Smith, John S. Chamberlin and Andrew Miller, or the survivors or survivor of them, shall keep a true and fair account of any sale or sales made by virtue of the authority hereby granted, and of the expenses thereof, and after deducting therefrom the sum hereinafter mentioned, and the expenses of the sale, they shall put out and invest, in good and sufficient securities, to be approved of by the Orphans' Court of the county of Hunterdon, upon interest, the one equal third part of the net remainder, and shall pay over to the widow of the said Joseph P. Chamberlin, now the wife of the Reverend Joseph Campbell, of Hackettstown, during her natural life, the interest that may accrue thereon annually, on the first day of May in each and every year; and shall pay over to the heirs of said intestate, or to his, her or their legal representatives or guardians, the remaining net two-thirds of the proceeds of said sales, in equal parts or portions according to law, and that at the decease of the said Ann Campbell, the third part or parcel thereof, so invested as above directed, shall also be equally divided and paid over to the said heirs of said intestate, or to his, her or their legal representatives or guardians, in equal parts according to law; *Provided always*, that the said Hugh Smith, John S. Chamberlin and Andrew Miller, shall not ask, demand, or have any compensation or commissions for their, or either of their trouble or services, in and about the execution of this act.

Sec. 3. *And be it enacted*, That before the said Hugh

Smith, John S. Chamberlin, and Andrew Miller, or the survivors or survivor of them, who shall undertake to execute the authority hereby given to them, they, or such of them as may undertake the same, shall enter into bond to the Governor of this state, with two or more sufficient sureties, to be by him approved of in such amount as he shall direct, conditioned for the true and faithful performance of all their duties under this act, which bond they shall cause to be deposited in the office of the Register of the Prerogative Court, to be there affiled.

To give bond to Governor.

Sec. 4. *And be it enacted*, That the said Hugh Smith, John S. Chamberlin and Andrew Miller, or the survivors or survivor of them shall, within six months after making any sale or sales as aforesaid, of said real estate, make and exhibit, under oath or affirmation, a true and correct statement of such sale or sales, and of the expenses thereof, and shall cause the same to be affiled in the office of the Surrogate of the county in which the lands so sold, may lie or be.

Account of sales to be filed, &c.

Sec. 5. *And be it enacted*, That the said Hugh Smith, John S. Chamberlin, and Andrew Miller, or the survivors or survivor of them, shall pay over, out of the first proceeds or receipts from the sale of said real estate, to John P. B. Maxwell and William P. Robeson, of Belvidere, in the county of Warren, in this state, or their legal representatives, the sum of two thousand three hundred dollars, with interest thereon from the first day of September last, in full of a claim made by them, against the heirs of the said Joseph P. Chamberlin, which is a lien on said property.

Certain debts to be paid first.

Sec. 6. *And be it enacted*, That no sale or deed of conveyance, which may be made by virtue of the authority by this act granted, shall alter, impair, or in any way affect the right, title, interest, or claim, of any person or persons whatsoever, of, in, or to the said real estate, or any part thereof, other than that of the widow and heirs of the said Joseph P. Chamberlin, deceased, therein.

Rights of others not to be affected, other than that of the widow and heirs.

Passed February 10, 1835.

AN ACT Supplementary to "An Act to empower the owners of the Pigeon Swamp, Marshes and Ponds, adjoining in the South Ward of New-Brunswick, in the County of Middlesex, to open and keep clear of obstruction, a certain Water Course and Ditch, for draining the said Swamp, Marshes and Ponds," passed March the twentieth, seventeen hundred and eighty.

Penalty for obstructing water course.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person or persons shall, after the passing of this act, wilfully dam or otherwise obstruct the ditch or water course to Lawrence's brook, named in the first and second sections of the act to which this is supplementary, he, she or they so offending, shall be liable to pay the penalty of ten dollars for each and every such offence, to be sued for in the name of the managers of said water course and ditch, in an action of debt, in any court having jurisdiction of the same, with cost of suit, which penalty, when recovered, shall be applied by said managers, to the clearing of said water course and ditch.

Passed February 11, 1835.



AN ACT to authorize the sale of the Wood standing on certain Real Estate of Henry Remsen, late of the County of Monmouth, deceased.

Preamble.

WHEREAS, Henry Remsen, late of the county of Monmouth, in the state of New-Jersey, died intestate, seized of a large quantity of Pine Woodland, situate in the township of Stafford, in the county and state aforesaid, leaving Eliza, Deborah, Julia-Ann, Maria, and Henrietta Remsen, minors, his children and heirs at law; **AND WHEREAS,** it is represented by James T. Bartine, the guardian of the said minor children, by petition and affidavits accompanying the same, that it would be for the interest of the said wards, if the guardian were authorized to make sale of the wood and timber standing and being on the said land, but that the same cannot be done without the aid of a special act for that purpose; **Therefore,**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said James T. Bartine, guardian of the said infants, be, and he is hereby authorized and empowered to make sale, at public vendue, to the highest bidder, of such and so much of the wood and timber standing and being on the several tracts of pine land belonging to the said wards, as in the opinion of the said guardian, will be ripe and fit for market, and be for the benefit of the said wards, giving at least one month previous notice, by advertisements, in five of the most public places in the township of Stafford, in said county, and cause the same to be published, for the same period of time, in one of the newspapers printed in this state, nearest to the premises, and circulating in the vicinity of the said lands; and to invest the net proceeds of such sale or sales, in some safe securities, drawing interest under the direction of the Orphans' Court, of the county of Monmouth: *Provided nevertheless,* that before the guardian make sale as aforesaid, he give bond to the Governor of this state, in such sum, and with such security as the Orphans' Court of the said county may direct and approve.

Proviso.

Sec. 2. *And be it enacted,* That the Orphans' Court of the county of Monmouth, may, from time to time, as the said minor children come of age, order and direct the said guardian to make distribution of the proceeds of said sale or sales, and pay off to such child or children, so coming of age, her or their portion or portions: *Provided,* that nothing herein contained, shall prevent the said guardian from using any portion of the said proceeds, for the education and maintenance of said minor children, under the order and direction of the said Orphans' Court.

Orphans' Court to make distribution of proceeds.

Passed February 12, 1835.

AN ACT to incorporate the "Fairfield Social Library Company."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Daniel Burt, Spencer Frary, Asa Fish, John Moore, Daniel P. Roray, Reuben Ware, Benjamin R. Bateman, James Diamant, Jr., and all such other persons as

Style of corporation.

Powers:

Amount of capital stock, &c.

Officers to be elected.

Proviso.

By-laws to be enforced by suit.

now are, or hereafter may be, associated with them for the purpose of acquiring and diffusing useful knowledge, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in law, by the name of the "Fairfield Social Library Company," of the county of Cumberland; and by that name they, their successors, and assigns, shall have continual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity; and may have a common seal, and have power to alter the same at their pleasure, and by their name aforesaid, and under their seal, make, enter into, and execute any contracts, agreements, and other writings, concerning the objects of such corporation; and shall have power to make and adopt such constitution, by-laws, and regulations, for their government, not inconsistent with the constitution and laws of this state, or the United States, as they shall think proper.

Sec. 2. *And be it enacted*, That the capital stock of the said company, shall not exceed the sum of one thousand dollars, which shall be divided into shares of two dollars each; which shall be transferable, and considered as personal property, and shall be applied and used for the purposes of acquiring and diffusing useful knowledge, and not otherwise.

Sec. 3. *And be it enacted*, That the said corporation shall have power to elect, annually, or oftener, if necessary, out of their own body, a President, Librarian, and such other officers as shall be necessary for the proper management of the affairs of the said company, according to their constitution and by-laws, for the time being; *Provided*, that no person shall be admitted to vote for said officers, unless he, or she shall have been duly admitted a member of said company.

Sec. 4. *And be it enacted*, That the constitution and by-laws of said corporation, shall be binding and imperative on the different members; and may be enforced by suit against defaulting members. in the corporate name of said company, before any court having competent jurisdiction.

Sec. 5. *And be it enacted*, That the Legislature may, at any time hereafter, alter, amend, modify, or repeal this act, as they may think proper.

Passed February 12, 1835.

AN ACT to authorize Trustees, therein named, to sell parts of the Real Estate of Aaron Steward, deceased.

WHEREAS, it is represented to this Legislature, that Aaron Steward, late of the county of Monmouth, and state of New-Jersey, died seized of a grist-mill and saw-mill, and about sixty acres of land, more or less, situate in Allentown, in said county, leaving a widow and several heirs at law, some of whom, by reason of their minority, are unable to join in the execution of a deed for the premises, which can now be sold on advantageous terms, if a title could be made for the same : **AND WHEREAS**, application hath been made on the part of Lydia Steward, Aaron Steward, George Steward, and Martha Steward, who are grandchildren of the deceased, and under the age of twenty-one years, praying a law appointing trustees to sell their respective shares in the real estate of the said deceased ; which appearing to be reasonable, and for the interest of the said minors, as their shares in the said real estate are unproductive at present : Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That David McKean, junior, and John Palmer, be, and they are hereby appointed trustees, with full power and authority to sell, for the best price they can obtain, the right, title and interest which the said Lydia Steward, Aaron Steward, George Steward, and Martha Steward have, and each and every of them have, in the real estate of their said grand-father, Aaron Steward, late of the county of Monmouth, deceased, and after the sale thereof, to make a good and sufficient deed of conveyance, to the purchaser.

Trustees appointed to sell real estate.

Sec. 2. *And be it enacted,* That the said trustee, after making sale in manner aforesaid, shall account to the Orphans' Court of the county of Monmouth, at the term next succeeding such sale, for the proceeds of said sale ; and after a fair and just allowance of all costs, charges and expenses attending the the sale, made and allowed by the said court, shall invest the balance of said proceeds, at interest, upon good and sufficient security, to remain so at interest, until the said Lydia Steward, Aaron Steward, George Steward, and Martha Steward, shall respectively arrive at the age of twenty-one years, and then to be paid to them, and each of them, as they shall arrive at the age of twenty-one years ; and in case they, or either of them, should die before they attain the age of twenty-one years, respectively, then the share or proportion of the person so dying, to be paid or distributed to his, her or their heirs, in the same manner, as if this act had not been passed.

Trustee to account to Orphans' Court.

Trustees to give
bond.

Sec. 3. *And be it enacted,* That the said trustees, before they enter on the duties prescribed by this act, shall enter into bond to the Governor of this state, with sufficient surety, to be approved by the Surrogate of the county of Monmouth, for the faithful performance of said trust.

Passed February 12, 1835.

~~AN ACT~~

AN ACT to incorporate the Boudinot Manufacturing Company.

Style of corpo-
ration.

Objects and
powers of incor-
poration.

Capital not to
be employed in
banking.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Thomas Rogers, John Colt, James Hamilton, William L. Clark, and Edward Clark, and such other persons as may be hereafter associated with them, and their successors and assigns, be, and are hereby constituted a body politic and corporate, by the name of "the Boudinot Manufacturing Company," for the sole purpose of manufacturing cotton, wollen, hemp, linen, or silk, and generally all articles manufactured from all, or either of those articles, in their several and various branches; and, by the same name, they and their successors and assigns, shall have power and continue a body politic and corporate, and be capable in law, of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind and quality soever, necessary or useful for the said corporation to carry on their manufacturing operations, above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation, by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments, which shall have been obtained for such debts; *Provided always,* that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time in banking operations; and the said Thomas Rogers, John Colt, James Hamilton, William L. Clark, and Edward Clark, or a majority of them,

are hereby authorized to receive subscriptions to the capital stock of said company.

Sec. 2. *And be it enacted,* That the stock, property, and concerns of the said company shall be managed and conducted by five Directors, being stockholders, and one of whom to be President, who shall be a citizen and resident of this state, who shall hold their offices for one year; and that the said Directors shall be chosen at such place and time, as shall be directed by the by-laws of the said corporation; and public notice shall be given, of the time and place of holding every such election, not less than ten days previous, in one or more newspapers printed nearest the place where said election shall be held, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he, or she shall hold shares of the capital stock of said company; and the candidates having the greatest number of votes, being stockholders, shall be Directors; and the Directors chosen at one election, shall be capable of serving, by virtue thereof, until another election shall have been had; and the Directors so chosen, may appoint such officers and superintendents, and assign such compensation, as they may think fit, not less than a majority of the whole number of Directors being present, when the same shall be done; and may remove the same, and appoint others at their pleasure; and if it shall at any time happen, that any vacancy or vacancies occur, by death, resignation, or otherwise, among the Directors, officers, or superintendents, such vacancy or vacancies shall be filled by such person or persons, as the remainder of the Directors, for the time being, or a majority of them, shall appoint.

Manner and
time of electing
directors.

Duties of directors.

Sec. 3. *And be it enacted,* That the capital stock of said company shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of ten thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to, and for the said company, to commence their said business, and with that capital, conduct and carry it on until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the Directors of the said company, to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions, not exceeding ten dollars on each share, at any one time, as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payments shall not be

Amount of capital stock.

To be paid by instalments

Shares forfeited
on failure to pay
instalments.

made within thirty days after a notice shall have been published for the space of twenty days, in one or more public newspapers published in or near the place where such payment shall be required to be made, and also, in one or more newspapers published in the city of New-York.

Stock, personal
estate.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and be transferable in such manner, as shall be prescribed by the by-laws of the said corporation; *Provided*, that no dividends shall be made to, and among the stockholders, except from and out of the profits of the said corporation.

Corporation not
dissolved for
failure to elect
officers, &c.

Sec. 5. *And be it enacted*, That in case it should at any time happen, that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election, on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Majority of
board to form a
quorum.

Sec. 6. *And be it enacted*, That a majority of Directors, for the time being, shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government, management, and the disposition of the stock, effects, profits, and concerns of the said corporation; *Provided*, the same are not contrary to the laws and constitution of the United States, or of this state.

Books of ac-
count to be kept
open, &c.

Sec. 7. *And be it enacted*, That the Directors shall, at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered, all the transactions of the said corporation; which book shall at all times, during business hours, be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual, until such transfer shall be entered, or registered in the book or books, to be kept by the President and Directors for that purpose.

How company
may be dissolved

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose; *Provided*, at least three-fourths, in value, of the stockholders shall be present, or represented therein, and vote in favor of such dissolution; and upon such dissolution, the Directors, for the time being, and the survivors and survivor of them, shall be ipso facto trustees, for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the

surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose; in which case, the person so appointed, and the survivors or survivor of them, shall be trustees and trustee, for the purpose aforesaid; and that stockholders owning one fourth of the stock holden, may, by giving notice in a newspaper published in Paterson for a fortnight, and one newspaper published in the city of New-York, a fortnight, call a public meeting of the stockholders, for the purpose of passing by-laws and ordinances, for the election of Directors; and that such by-laws and ordinances shall be binding, until in like manner repealed or altered, in case a majority of the stock is represented at such meeting, either in person or by proxy.

Sec. 9. *And be it enacted*, That this act shall be, and continue in full force, for, and during the term of thirty years from the passing thereof, and from thence, to the end of the next session of the Legislature, and no longer; and further, that it shall and may be lawful for the Legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever the public good requires it. Limitation of act.

Passed February 12, 1835.

AN ACT to Incorporate the Bordentown Water Company.

WHEREAS, John L. McKnight, Lewis W. Pancoast, and Samuel S. Bunting, associated with others, as a company, under the name and style of "The Bordentown Water Company," for the use and purpose of supplying the Borough of Bordentown, and its vicinity, with water from the most eligible situation it can be obtained, for domestic purposes; and as a further security against loss by fire, by their petition, presented to the Legislature, have requested to be incorporated, the better to enable them to carry into effect, the salutary objects of their institution; Therefore, Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all such persons as now are, or hereafter may become stockholders, shall be, and are hereby constituted, a body corporate and politic, in fact and in name, by

Style of incorporation.

Amount of capital stock.

Time and manner of electing directors.

President to be chosen.

Commissioners to receive subscriptions to stock.

the style and title of "**The Bordentown Water Company,**" and by that name shall, and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever; have a common seal, and make, change, or alter the same at pleasure, and to hold and enjoy such real and personal estate, as may be necessary for the object aforesaid; that the stock of the said corporation shall be deemed personal property, and shall consist of one thousand shares, of ten dollars each; that the management of the concerns of the said company, shall be entrusted to five Directors, being stockholders and inhabitants of the Borough of Bordentown; which Directors shall be chosen each and every year, at the annual meeting of the stockholders, which shall be held the first Monday in April, at such hour and place in Bordentown, as said Directors shall, from time to time, appoint, by notices set up in three of the most public places in Bordentown, at least fifteen days previous to said election; that all elections shall be by ballot, by the stockholders, personally, or by proxy, under the direction and inspection of three stockholders, not being candidates; each stockholder having one vote for two shares, two votes for five shares, and one additional vote for each succeeding five shares that he holds; and the five persons having the greatest number of votes, shall be Directors; that if any two or more persons have an equal number of votes, so as that five Directors shall not be elected, they shall again proceed, in like manner, to elect out of the persons so having an equal number of votes, so many as shall complete the number of Directors; out of which number, the said Directors shall, by a plurality of their votes, elect one for their President; and in case of a vacancy in the office of any of the said Directors, by death, resignation, or otherwise, others shall be elected by said Directors to fill such vacancy; the Directors of the preceding year shall be considered as elected for the ensuing year; *Provided*, no election shall be held to elect others in their places.

Sec. 2. *And be it enacted*, That John L. McKnight, Lewis W. Pancoast, and Samuel S. Bunting, be commissioners to procure subscriptions for the stock, and shall open books for that purpose, at Bordentown, on the first Monday in March, eighteen hundred and thirty-five, having previously given ten days public notice; and whenever five hundred shares shall be subscribed, each stockholder paying at the time of subscribing, one dollar for each and every share, the said commissioners shall call a meeting of stockholders within thirty days thereafter, by giving twenty days public notice, put up in three of the most public places in Bordentown, for the purpose of electing Directors, and transacting such other

business as may come before them, at such hour and place in the borough of Bordentown, as they may deem proper; and to such Directors lawfully elected, they shall pay over such money as they shall have received; which said meeting shall be considered the first annual meeting.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the Directors, or a majority of them, to require payment of the stock subscribed, in such proportions, and at such times as they, or a majority of them, may think proper, not exceeding two dollars on each share, with the penalty of a forfeiture of all previous payments thereon, and that notice of the instalments required, and of the time when the same are to be made, by notice set up in the borough of Bordentown, at least thirty days previous.

Stock forfeited
on failure to pay
instalments.

Sec. 4. *And be it enacted*, That the Directors shall be authorized, in their discretion, to appoint a Secretary and other officers, agents and servants, as they shall, from time to time, deem necessary, for carrying into effect the powers of said company; to establish rules, regulations and by-laws, for and concerning the conduct and government of such officers, agents and servants, and for determining the compensation to which they shall be entitled, and for and concerning the manner of making transfers of the said stock, and the conduct and government of all persons with whom they shall contract for the water for their works, so far as respects the preservation of water furnished by said company, and the use thereof, and to restrain the waste thereof; and by such laws and ordinances, to impose penalties and forfeitures, for a neglect or refusal to comply therewith, so as that such penalty and forfeiture, in any one case, shall not exceed four dollars; which penalties or forfeitures, shall be recoverable in the name of the said corporation, before any Justice of the Peace of the county of Burlington, with costs, in an action of debt; and that for the purpose of effectually supplying the said borough of Bordentown, and its vicinity, and its inhabitants, it shall and may be lawful to, and for the said Directors and company, to erect works on the most eligible situation that they may think proper; and conduct along the public highways and streets, any number of conduits necessary for, and calculated to supply such water through or over lands, in the borough of Bordentown; *Provided*, the same shall not be done without the consent and permission of the owners of property, over or through which it may be necessary to pass.

Power and duties of directors.

Provide.

Sec. 5. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the works of the said corporation, or any

Penalty for injuring the works of company.

pipe, conduit, aqueduct, plug, cock, reservoir or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation, treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt, to be brought in any court in this state, having cognizance of the same.

Manner in
which capital to
be exclusively
applied.

Sec. 6. *And be it enacted*, That at any time, after twenty years from the passage of this act, the borough of Bordentown, in its corporate capacity, may take from the company, all the right, title and interest of the company aforesaid, by paying first cost therefor, without interest thereon.

Sec. 7. *And be it enacted*, That no part of the capital stock created by this act, shall be applied to any other purpose whatsoever, than the supplying of the borough of Bordentown with water, conformably to the provisions of this act.

Passed February 13, 18³25.

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AN ACT to authorize the sale of certain real estate, late of David Woolman, deceased.

Preamble.

WHEREAS it is represented by Levi Borton, as surviving executor of the last will and testament of David Woolman, deceased, that the said David Woolman, in and by his said last will and testament, devised certain lands and real estate, situate in the county of Burlington, to his five sons, Eber Pancoast Woolman, William A. Woolman, David Woolman, Daniel Woolman, and Abraham W. Woolman, their heirs and assigns, to be equally divided between them, but such division not to take place till the year eighteen hundred and thirty-five, and that the interests of the said devisees will be best subserved by an immediate sale of the said premises, which cannot be effected by the devisees themselves, a part of them being under the age of twenty-one years, all which appearing to be just; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Levi Borton be, and he is hereby appointed a trustee, with full power and authority to sell, convey, and dispose of all or any part of the said premises so devised by the said David Woolman to his said five sons, named in the preamble of this act, at public sale, at such time or times as he may think expedient, and when so sold and the sale approved of by the Orphans' Court of the county of Burlington, to make and execute in due form of law, in his own name, good and sufficient deed and deeds of conveyance, according to the estate which the said devisees, or either of them have at the time of the passing of this act; and any sale or sales so made by the said trustee, and approved by the court as aforesaid, and confirmed by deed or deeds, which may be made as aforesaid, shall entitle the purchaser or purchasers to all the estate, right, title and claim which the said devisees, or either of them have, at the time of the passing of this act, in the premises so sold and conveyed by such deed or deeds.

Trustee authorized to sell lands, of David Woolman, dec.,

Sec. 3. *And be it enacted,* That the said Levi Borton, shall keep a fair and true account of any sale or sales which he may make, by virtue of the authority hereby granted; and also, after deducting therefrom the expenses which may attend the execution of this trust, and such debts and legacies of the said David Woolman as there may not be other assets of the estate of the said David Woolman to pay, and as the premises so devised are liable for and bound to pay, the said Levi Borton shall pay the balance of the proceeds of the said sales, which may remain after such deduction, to the said Eber Pancoast Woolman, William A. Woolman, David Woolman, Daniel Woolman, and Abraham W. Woolman, respectively, in the proportion in which the lands and real estate are respectively devised to them, that is to say, such of the said devisees as shall have attained their full age of twenty-one years, shall be entitled to receive their respective shares of the said trustee, as soon as the balance in his hands shall be ascertained; and as to the shares of such of the said devisees as shall not have attained their full age, the said trustee shall place their respective shares at interest, upon sufficient security, and pay the principal and interest thereof, to them respectively, as they attain their lawful age to receive the same.

Accounts to be kept, &c.

Sec. 3. *And be it enacted,* That before the said Levi Borton, shall undertake the execution of the trust hereby assigned to him, he shall enter into bond, with surety, to the governor of this state, for the use of said devisees, in such amount and with such surety as shall be approved by the Orphans' Court of the said county of Burlington, condition-

Bond to be given to the Governor

ed for the faithful performance of the trust by this act assigned to him; which bond shall be deposited in the surrogate's office of the said county of Burlington.

Statement of
sales to be filed,
&c.

Proviso.

Sec. 4. *And be it enacted*, That the said Levi Borton, within six month after making any sale or sales, by virtue of the authority by this act assigned unto him, shall make, subscribe, and exhibit, under oath or affirmation, a fair and exact statement of such sale or sales, to the surrogate of the said county of Burlington, and which statement shall be filed in said surrogate's office: *Provided*, that no sale or deed which may be made by virtue of the authority by this act assigned, shall impair, or in any way affect the right, title, interest, or claim of any person or persons whomsoever, other than the devisees of the said David Woolman.

Passed February 13, 1835.

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AN ACT to Incorporate the Wading River Manufacturing and Canal Company.

Style of incorpo-
ration.

Powers.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That William McCarty, Thomas Davis, Henry C. Carey, Isaac Lea, and Laurence Johnson, and such other persons as may be hereafter associated with them, their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the "Wading River Manufacturing and Canal Company" for the purpose of manufacturing paper, boards, and other articles; by that name, they and their successors and assigns, shall have power and continue a body politic and corporate, and be capable in law, of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice, or any other place whatever, to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind or quality soever, necessary or useful for said corporation to carry on their manufacturing operations above mentioned; and all other real and personal estate, which shall have been bona fide mortgaged to said corporation, by way of security, or conveyed to them in satis-

fraction of debts previously contracted in the course of business, or purchased at sales upon judgments, which shall have been obtained for such debts; *Provided*, that of the real and personal estate to be purchased and holden by said corporation, shall be that which is termed the "Slitting Mill Estate" in the township of Washington, county of Burlington; and it shall be lawful for the said corporation to carry on their manufacturing business only at that place, or at the termination of the canal, which the said corporation are, by another section of this act, authorized to construct; *Provided always*, that the funds of the said corporation shall not be applied, used or employed at any time, in banking operations; and the said William McCarty, Thomas Davis, Henry C. Cary, Isaac Lea, and Laurence Johnson, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Commissioners
to receive sub-
scriptions.

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company, shall be managed and conducted by five Directors, being stockholders, and one of whom shall be President, and another of whom shall be agent, of the company, who shall hold their offices for one year, and until others shall be elected; and the said Directors shall be elected on the first Monday of June, in each and every year, after the company goes into full operation; the election for Directors shall be held at such hour and place, as a majority of the Directors, for the time being, shall appoint; and it shall be the duty of the President, to give each stockholder notice of the election through the post office, at least fifteen days previous thereto, of the time and place of holding such election, who shall have previously informed him in writing, of his or her place of residence, at least twenty days previous to such election; and all elections shall be by ballot, each stockholder shall be entitled, either in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the said Directors shall proceed to elect one of their number to be President, and one of their number to be agent; and if vacancy or vacancies shall at any time happen by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the Directors, for the time being, or a majority of them shall appoint.

Time and man-
ner of electing
directors.

President to be
chosen.

Sec. 3. *And be it enacted*, That no stockholder shall be eligible to the office of Director, who is not a citizen of the United States, and a stockholder in said company, in his own right, to the amount of at least ten shares, two months previous to the day of election; and the board of Directors may employ as many work people, appoint superintendents and officers, as in their opinion the business may require, and as

Qualifications of
directors.

sign such compensation as they shall think fit; not less than a majority of the whole number of Directors being present, when the same shall be done; and may remove the same and appoint others at their pleasure.

Amount of capital stock.

Stock forfeited on failure to pay instalments.

Capital not to be reduced.

Company authorized to construct a canal.

Proviso.

First directors.

Sec. 4. *And be it enacted,* That the capital stock of said company, shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of fifty thousand dollars, of the said capital stock shall have been subscribed and paid, it shall and may be lawful, to and for the said company, to commence their said business, and with that capital, conduct and carry it on, until they shall deem it expedient to extend their operations and their capital, which they are hereby authorized to do, from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the Directors of said company, to call and demand from said stockholders, respectively, all such sums of money by them subscribed, at such times, and in such portions of instalments, not exceeding ten dollars on each share, as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice shall have been published for the space of twenty days, in, or near the place where such payment shall be required to be made, and also, in one or more newspapers of the city of Philadelphia, and in one of the newspapers of the county of Burlington.

Sec. 5. *And be it enacted,* That at no time shall it be lawful to reduce the capital stock of said corporation, but by the permission of the Legislature, losses or misfortunes in business excepted.

Sec. 6. *And be it enacted,* That the said corporation be, and they are hereby authorized to construct a canal from their land, to some point on the tide water of said river, the written consent of the owners of the land through which it may pass, being first obtained; and to charge a toll, which shall not exceed eight cents per ton per mile, for the transportation of every species of property; *Provided*, that when the said canal shall cross any public road or farm, it shall be the duty of said company, at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the use of said road or farm, by reason of said canal crossing the same; and also, to make and maintain, good and sufficient fences along the line of said canal, on both sides thereof, where the same may be necessary.

Sec. 7. *And be it enacted,* That the first directors shall be William McCarty, Thomas Davis, Henry C. Carey,

Isaac Lea and Laurence Johnson, who shall hold their offices until others shall be legally chosen; and have power to establish and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, the same be not contrary to the laws and constitution of the United States, or of this state.

Sec. 8. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the laws of said corporation; *provided*, that no dividend shall be made to and among the stockholders, except from and out of the profits of said corporation.

Stock and property deemed personal estate.

Sec. 9. *And be it enacted*, That the Directors shall at all times, keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of said corporation; which books shall at all times during business hours, be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys: *And further*, that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the President and Directors for that purpose.

Books of account to be kept open.

Sec. 10. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day, that pursuant to this act it ought to have been made, the corporation shall not for that cause, be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Corporation not dissolved, for failure to elect on day prescribed.

Sec. 11. *And be it enacted*, That it shall be the duty of the directors, for the time being, in each and every year, namely, on or about the first week in April, to take an account of all the stock, property and effects belonging to said corporation, including all debts due to and from the said company, and make and enter in a book for that purpose, a true inventory of the same, for the inspection of the stockholders, previous to, and at, the annual election.

Account of stock to be taken annually.

Sec. 12. *And be it enacted*, That it shall and may be lawful for the Legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever, in their opinion, the public good requires it.

Passed February 17, 1835.

AN ACT to authorize the chosen freeholders of the county of Essex, to build a Draw or Swing bridge over the navigable waters of Elizabethtown Creek, at Elizabethtown.

Draw or swing
bridge autho-
rized to be built.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful, for the board of chosen freeholders, of the county of Essex, aforesaid, to build and maintain a good and sufficient bridge over Elizabethtown Creek, at or near D. Coriell's dock, as near as practicable, in a line with the road passing from Water street to said Creek, where the old bridge formerly stood, with a suitable draw or swing therein, of a sufficient width for the convenient passage of vessels navigating the same.

Penalty for
leaving draw or
swing open.

Sec. 2. *And be it enacted,* That if any captain of a vessel, or other person or persons, shall open the draw or swing of said bridge, and leave the same open, for more than fifteen minutes when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, draw, swing, posts, or piles, or shall remove any iron or stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge, draw or swing unnecessarily, he, she, or they, so offending, shall for each and every offence, forfeit and pay the sum of twenty dollars over and above the damage done to said bridge, draw, or swing, to be recovered in an action of debt, before any court having a competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county collector of Essex, to and for the use of the county.

Bridge may be
put in care of a
person.

Sec. 3. *And be it enacted,* That in case it should become necessary for the protection of said bridge and draw, or swing, and the accommodation of persons passing over or through said bridge, to have the same put in special care of some person suitable for that purpose, then, and in that case, it shall and may be lawful for the board of chosen freeholders of the said county, for the time being, to make such regulations as they shall deem necessary for the better protection and accommodation of the same; *provided,* they shall be in accordance with the preceding sections of this act.

Passed February 17, 1835.

AN ACT to prevent the vending, burning, or exploding of fire crackers, squibs, turpentine balls or fire serpents.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state. and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person to sell, barter, or exchange, or to offer or exhibit for sale, barter or exchange, any fire cracker or squib in this state. Sale of fire crackers, &c. prohibited.

Sec. 2. *And be it enacted,* That it shall not be lawful for any person to burn, explode or throw any burning fire cracker, squib, turpentine balls or fire serpents in this state. Exploding fire crackers, &c. prohibited.

Sec. 3. *And be it enacted,* That any person offending against the provisions of the first section of this act, shall forfeit and pay for each and every offence, the sum of ten dollars. Penalty for offending against first section.

Sec. 4. *And be it enacted,* That any person offending against the provisions of the second section of this act, shall forfeit and pay for each and every offence, any sum not less than one or exceeding five dollars. Penalty for offending against second section.

Sec. 5. *And be it enacted,* That the forfeitures mentioned in this act, may be recovered in the name of any person who will sue for the same, before any justice of the peace of the county where the offence is committed, in an action of debt, with costs, one half for the use of the proecutor, and the residue for the use of the poor of the township where the offence is committed. How forfeitures are to be recovered and applied.

Sec. 6. *And be it enacted,* That this act shall be in force and operation on and after the first day of July next, and not before that time. When act to take effect.

Passed February 18, 1835.

AN ACT to authorize the Camden and Amboy Rail Road and Transportation Company to construct a lateral Rail Road, from their main road to South River, in the County of Middlesex.

Camden and Amboy Rail Road Company authorized to construct a lateral road to South river.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Camden and Amboy Rail Road and Transportation Company, to construct a lateral rail road or branch, from any point in their main road, within half a mile of their bridge, over South river, to one or more point or points on South river, not further distant from their said bridge, than half a mile; *Provided always,* that the assent of the owner or owners of the land over which such lateral road may pass, shall first be obtained.

Roads already laid not to be obstructed.

Sec. 2. *And be it enacted,* That it shall be the duty of the company, to construct and keep in repair, good and sufficient wagon-ways or passages, over the said lateral rail road or branch, where any public or other road may cross the same, so that the passage of carriages, horses and cattle, on said roads, shall not be prevented or obstructed thereby.

Road a public highway.

Sec. 3. *And be it enacted,* That the said rail road, when completed, shall be deemed a public highway; *Provided always,* that persons using the same, shall conform to such regulations as to the description of cars, time of starting, and rate of travelling, as may be prescribed by the said The Camden and Amboy Rail Road and Transportation Company.

Passed February 18, 1835.

AN ACT authorizing the sale of the Real Estate of Mary Freeman, an idiot, in the County of Monmouth.

Preamble.

WHEREAS, the overseers of the poor, of the township of Freehold, in the county of Monmouth, have, by their petition, represented that Mary Freeman of said county, an idiot, has been for two years last past, chargeable to the said county, as a poor person; and that she is seized of a lot of

land, in said county, containing about seventeen acres; and, also, of an undivided interest in a certain other tract, (being pine land,) in said county, which are of but small value, and that the same, if sold, would, in part, support the said Mary Freeman; and requesting Legislative aid in the premises, and the same appearing just and proper; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the President of the board of chosen freeholders, of the said county of Monmouth, for the time being, be, and he is hereby authorized to make sale of the said premises of the said Mary Freeman, at public vendue and outcry, to the highest bidder, first giving public notice of the time and place of such sale, by advertisements set up in five of the most public places in said county, and in one of the public newspapers, circulating in said county, for at least sixty days preceding such sale; and that the said President, be authorized to execute good and sufficient deed or deeds for the same, to the purchaser or purchasers thereof; and that he pay over the proceeds of such sale, after deducting the expenses thereof, to the county collector, for the time being, of the said county of Monmouth, for the use of the said Mary Freeman, to be applied for her maintenance and support, so far as the same will extend, so long as she remains chargeable to said county; and that, in the event of her death, before the expenditure of the same, in her support, that the balance be paid over, by the county collector, for the time being, to her legal representatives.

Lands of Mary
Freeman, to be
sold.

Sec. 2. *And be it enacted,* That the sale and conveyance made as aforesaid, shall be as effectual in the law, to convey the interest and estate of the said Mary Freeman, in the premises, to the purchaser or purchasers, as if the same had been made by the said Mary Freeman, if capable of making the same.

Deed to be va-
lid.

Passed February 18, 1835.

AN ACT for the relief of the infant children of Edward Thebaud.

Preamble.

WHEREAS, Edward Thebaud, Louis Thebaud, Jules Thebaud, Paul Thebaud, Gustave Thebaud, and Mathilde Thebaud, minors, under the age of twenty-one years, children and wards of Edward Thebaud, late of Morristown, in the county of Morris, now of the city of New-York, state of New-York, are entitled to the remainder of a certain farm or tract of land, situate near Morristown aforesaid, containing about eighty acres, after the decease of their said father, Edward Thebaud, and Emma his wife; **AND WHEREAS**, it is represented, that it would be greatly for the interest of the said Edward, Louisa, Jules, Paul, Gustave, and Mathilde, the minors, to sell and convey the same, but that the same cannot be done without the aid of a special law for that purpose, and the said Edward Thebaud, their father, hath, by his petition, asked for a law to empower him to sell the same, and that an advantageous sale thereof can be made if power therefor be given; Therefore,

Lands authorized to be sold.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Edward Thebaud, guardian and father of the said Edward, Louisa, Jules, Paul, Gustave and Mathilde, be, and is hereby authorized and empowered to grant, bargain, sell, and convey the lands, tenements, hereditaments, and real estate, aforesaid, of the said minors, his children, and of such child and children as may be hereafter begotten between the said Edward Thebaud, and the said Emma his wife, entitled to any share or shares, or any interest in said premises, and to make and execute a deed and deeds thereof, and therefor, which shall be as good and effectual to grant, bargain, sell, convey, and assure the said lands, tenements and real estate, and the hereditaments and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds were made by the said Edward, Louisa, Jules, Paul, Gustave and Mathilde, the said minors, and by such other child and children of the said Edward Thebaud, and Emma his wife, as may hereafter be begotten between them, and entitled to any interest in said premises, after they and each and every of them had attained his, her, and their full age of twenty-one years.

Sec. 2. *And be it enacted,* That the said Edward Thebaud, shall report the said sale or sales, to the Orphans' Court, for the said county of Morris, which shall sit next after such sale or sales, to be by said court allowed and approved, and the said Edward Thebaud, shall then and there enter into a

bond, with sufficient security, (being one or more competent freeholders of the said county of Morris) to the Ordinary of this state, in such sum as shall be required by the said Orphans' Court for the county of Morris, conditioned for the payment of the purchase money of said premises, without interest to said minors, and to such other children hereafter to be begotten, entitled to any interest in said premises or their heirs, at such time and times as they would respectively have come into possession of said premises, and in such proportion and proportions, as they might respectively have claimed to said premises, if no sale or sales thereof had been made, but in the same manner and by the same rule of law as if this act had not been passed, and they had taken real and not personal estate.

To give bond to the Governor.

Sec. 2. *And be it enacted*, That the said bond, shall be filed in the Orphans' Court for the county of Morris, to and for the use and benefit of the said children.

Bond to be filed.

Passed February 18, 1835.

AN ACT to authorize a Trustee to sell certain Real Estate, whereof Enoch Thorn died seized.

WHEREAS, Enoch Thorn, late of the township of Chesterfield, in the county of Burlington and state of New-Jersey, about eight years ago departed this life, intestate, leaving a widow and eight orphan children, to wit: William B. Thorn, Thomas Thorn, Maria Thorn, Susan Thorn, Elizabeth Vanderbeek, formerly Elizabeth Thorn, Sarah Forsyth, formerly Sarah Thorn, Enoch Thorn, and Catharine Thorn: **AND WHEREAS**, Catharine Thorn, widow of the said Enoch Thorn, hath since departed this life: **AND WHEREAS**, Sarah Forsyth, one of the aforesaid children of Enoch Thorn, hath also since departed this life, leaving an only child, Amos Forsyth; the said Amos Forsyth being a minor, under the care of his father; and the aforesaid Catharine Thorn being also a minor, under the care of her paternal uncle, George Thorn: **AND WHEREAS**, the said Enoch Thorn was, at the time of his death, seized in fee simple, of a certain farm and improvements, situate in the township and county aforesaid, and the heirs of the said Enoch Thorn, having petitioned the Legislature, that a per-

Preamble.

son might be appointed to sell the same for their benefit, and the prayer of the memorialists appearing reasonable and proper ; Therefore,

Trusted to sell
real estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That George Thorn, be, and he hereby is appointed a trustee, with full power and authority, to sell and convey the said farm and improvements, and all the real estate belonging to the heirs of the said Enoch Thorn, of which he was in possession at the time of his death, for the highest sum or sums of money the same will bring, at public sale, at least thirty days notice being first given of the day of sale, by advertising in one or more news papers, published in the county, and by handbills, set up at five or more public places in the vicinity of the said property ; and to execute, make, and deliver, a good conveyance or conveyances in law, to the purchaser or purchasers, of the same, and such deed or deeds of conveyance, shall vest in the purchaser or purchasers, his or their heirs and assigns forever, all the estate, right, title, and interest which the said Enoch Thorn, deceased, had of, in and to the said premises, with the appurtenances, at the time of his death.

Sec. 2. *And be it enacted,* That before the said George Thorn, shall enter upon the trust reposed in him by this act, he shall enter into bond, to the Governor of this state, with such surety and in such sum, as shall be approved by the judges of the Orphan's Court of the county of Burlington, conditioned for the faithful performance of the trust reposed in him by this act, which bond shall be deposited in the office of the Secretary of this state.

Sec. 3. *And be it enacted,* That the said George Thorn, within one year after the sale of said real estate shall be completed, shall exhibit, under oath or affirmation, to the Surrogate of the said county of Burlington, an exact statement of the amount of sales, and the amount he has received for the same, to be by him recorded and filed in his office.

Sec. 4. *And be it enacted,* That the said George Thorn, shall be accountable for all money so received by him, and after paying off all legal claims and liens upon said estate, if any, together with such reasonable charges for his services, as shall be allowed by the Orphans' Court of the county of Burlington, shall distribute the surplus moneys among the said heirs according to law ; and the receipt or discharge of the said heirs, or their proper guardians, shall be his sufficient vouchers to settle up the said estate, in the Orphans' Court aforesaid.

Passed February 18, 1825.

AN ACT to appoint a Trustee to sell the Real Estate of James I. Post, deceased, late of the county of Essex.

WHEREAS, it is represented to the Legislature, that James I. Post, late of the township of Acquacknonk, in the county of Essex and state of New-Jersey, died seized of certain real estate, situate at Weasel, in the township and county aforesaid, consisting of a dwelling house and farm or plantation, with the appurtenances; which farm or plantation, the said James I. Post, in and by his last will and testament, devised to his wife, Jane Post, during her widowhood, and after her death or re-marriage, to his three daughters, hereinafter named, in fee simple; and the said Jane Post, widow of the said James I. Post, deceased, afterwards married Abraham Ackerman, of Acquacknonk aforesaid, who is also now deceased; Sophia, one of the daughters of the said James I. Post, deceased, the testator, is now the wife of Garret A. Hopper; Eliza, another of the daughters of the said testator, is a minor, and is now the wife of Richard A. Van Houten, of Totowa; and Maria Jane Post, the remaining daughter of the testator, is also a minor and unmarried; **AND WHEREAS**, the said children of the aforesaid testator, and their mother, the aforesaid Jane Ackerman, (late Jane Post,) who is the executrix, and the aforesaid Garret A. Hopper, who is the executor of the last will and testament of the aforesaid James I. Post, deceased, and the aforesaid Richard A. Van Houten, have, by their petition, represented to the Legislature, that the interest of the said children and devisees, would be promoted by a sale of the said real estate; which cannot be accomplished without the aid of the Legislature, in the premises; inasmuch as two of the said devisees are minors, and there is no power in the will, authorizing a sale of the said estate; and the prayer of the said petition, appearing to be just and reasonable; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Garret A. Hopper, be, and he is hereby appointed a trustee, with full power and authority to sell, dispose of, and convey all the real estate, whereof the said James I. Post, died seized, situate in the county of Essex aforesaid, at such time or times as he may think expedient, at public (or private) sale, for the best price or prices the same will bring; and for the same, or any part thereof, when so sold, to make and execute, in due form of law, in his own name, as trustee as aforesaid, good and sufficient deed or deeds of conveyance, according to the estate and interest, which the said James I. Post, at the time of his death, had, or might legally have claimed, of, in, and to the same; and any sale

Trustee to sell
real estate.

or sales, so made, and confirmed by a deed or deeds, and certified as hereinafter is provided, shall entitle the purchaser or purchasers, to all the estate, right, title, interest and claim, which the said James I. Post, at the time of his death, had in the premises, so to be sold and conveyed, by such deed or deeds.

Trustee to give
bond to the Go-
vernor.

Sec. 2. *And be it enacted*, That before the said Garret A. Hopper, do enter upon the execution of the trust assigned him by this act, he shall enter into bond, to the Governor of this state, with such surety or sureties, and in such amount, as shall be approved of by the Orphans' Court of the county of Essex, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the Surrogate's office of the said county of Essex.

Trustee to ac-
count to Surro-
gate.

Sec. 3. *And be it enacted*, That the said trustee, shall keep a fair account of all the sales of the said land and real estate, so by him sold as aforesaid, and after deducting reasonable fees for his services, and the costs and charges attending the said sales, and the discharge of his trust, to be allowed and taxed by the Surrogate of the county of Essex, shall distribute all the residue of the moneys, arising from the sale of the said lands and real estate, to and among the children and devisees of the said James I. Post, deceased, according to their respective rights in said real estate, and in the proportions to which they are respectively entitled, under and by virtue of the said last will and testament of the said James I. Post, deceased; when such children and devisees shall be of full age, (or married,) or during the minority of such children and devisees, or any of them, or other inability to receive their proportions, to the guardian or guardians of such children and devisees, duly appointed.

How proceeds
of sale to be
distributed.

Proceedings to
make the deed
valid.

Sec. 4. *And be it enacted*, That no deed of conveyance of said land or real estate, made by the trustee aforesaid, shall be valid, unless it be certified on or upon the deed or conveyance, by James C. Stagg, Adam Ackerman, John H. Van Winkle, or the survivor or survivors of them, under their hands and seals, that they are satisfied that such sale or sales were made bona fide, and for the highest price that could be obtained for such property, at the time of such sale.

Trustee to ac-
count to Surro-
gate.

Sec. 5. *And be it enacted*, That the said Garret A. Hopper, shall, within six months after the sale of the lands and real estate aforesaid, make, subscribe, and exhibit, under oath or affirmation, to the Surrogate of the county of Essex, a true statement and account of said sale or sales, and of the expenses attending the same, and of carrying into effect the trust hereby created; and also, a true report of the manner

in which the moneys arising from said sale or sales, have been disposed of, which said statement and report shall be by the said Surrogate, filed in his office and recorded.

Passed February 18, 1835.

AN ACT to authorize Floyd Smith and John P. Douglass, of the city and state of New-York, and John Post, of the city of Brooklyn, in the said state of New-York, to sell certain real estate, late of John Post, deceased, situate in the county of Morris, in the state of New-Jersey.

WHEREAS, it is represented to this legislature, that John Post, late of the city of New-York, in the state of New-York, died, leaving a last will and testament, which was duly proved and recorded in the city of New-York aforesaid, in which, among other things, he directed his executors, after the decease of his widow, Deborah Post, to sell all his real estate, and to add to it all his personal estate, and to divide it into five equal parts, and to dispose of them among his children, as in the said will particularly mentioned; and did appoint his wife, Deborah Post, and his four children, to wit: Catharine Ritter, John J. Post, Deborah Douglass and Peter R. Post, executors thereof; and that the said John Post died, seized of an equal undivided moiety, or half part of two certain tracts or parcels of land and premises, situate in the township of Morris, in the county of Morris, containing together, one hundred and fourteen acres and seventy-eight hundredths of an acre, more or less, which were conveyed to the said John Post, in his lifetime, and one William Post, by John McComb, jr. executor, of the last will and testament of John McComb, deceased, by deed, dated the fifteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and recorded in the Morris County Register of Deeds, in liber. Y. fol. one hundred and twenty-seven, one hundred twenty-eight, one hundred twenty-nine and one hundred thirty; **AND WHEREAS**, it has been made to appear to this legislature, that the four children of the said testator named as executors of the said will, departed this life in the lifetime of the said Deborah Post, and that the said Deborah Post, hath since departed this life; so

Preamble.

that there was at her decease, no representatives of the testator, to execute the trusts created by said will: **AND WHEREAS**, it further appears, that Floyd Smith and John P. Douglass, of the city of New-York aforesaid, and John Post, of the city of Brooklyn, in the said state of New-York, have been duly appointed, by the Court of Chancery of the state of New-York, trustees, in the place and stead of the said deceased, executors, for the purpose of executing the trust created in, and by the said last will and testament of the said John Post, deceased, and which remain unexecuted by the late executors thereof; and have given bond, with sureties, approved of by the said Court of Chancery of the state of New-York, in the penal sum of sixty-nine thousand three hundred dollars, conditioned for the honest and faithful discharge of the trusts reposed in them as such trustees; but that they have no authority under the proceedings had in the said Court of Chancery, of the state of New-York, to sell the real estate, situate in the said county of Morris; and it appearing to be for the interest of the persons interested in the said estate, that the said real estate, should be sold as soon as possible; **Therefore,**

Trustee appointed to sell real estate of J. Post, dec'd.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Floyd Smith, John P. Douglass and John Post, and the survivors and survivor of them, be and they are hereby appointed trustees, with full power to sell, dispose of and convey the equal, undivided moiety, or half part, of the two tracts of land, of which the said John Post, died seized, situate in the township of Morris, in the county of Morris, and state of New-Jersey; containing, together, one hundred and fourteen acres and seventy-eight hundredths of an acre, more or less, particularly described in a certain deed for the same, from John McComb, jr. executor, of the last will and testament of John McComb, deceased, to the said John Post, in his lifetime, and one William Post, dated, the fifteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and recorded in the Morris County Register of Deeds, in liber. Y. fol. one hundred twenty-seven, one hundred twenty-eight, one hundred twenty-nine and one hundred thirty; with all and singular, the appurtenances, at public auction, first giving notice of the time and place of sale, in one of the newspapers published in Morristown, and one paper published in the city of New-York, for at least four weeks successively, and setting up advertisements in five or more public places, in the said county, near the premises, for the highest sum the same will bring; and when sold, to make, execute and deliver in their own names, or in the names of the survivors or survivor, as trus-

tees or trustee aforesaid, a good and sufficient deed of conveyance, according to the estate, right, title and interest, which the said John Post had in the same, at the time of his death; which sale being made and confirmed by deed, shall entitle the purchaser or purchasers thereof, to all the estate, right, title, interest, claim and demand, which the heirs or devisees of the said John Post, deceased, now have in and to the same. Deed to be valid.

Sec. 2. *And be it enacted*, That before the said trustees shall undertake the execution of the trust hereby assigned to them, they shall enter into bond, with surety, to the Governor of this state, to be approved of by the Surrogate of the county of Morris, conditioned for the faithful performance of said trust, and for the payment of the proceeds of the sale of the said property, to the heirs and persons entitled to receive the same, according to the direction, true meaning and intent, of the will of the said John Post, deceased. Trustee to give bond to the Governor.

Passed February 18, 1835.

A SUPPLEMENT to an act, entitled "An Act directing the Descent of Real Estates," passed the twenty-ninth day of January, one thousand eight hundred and seventeen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in making title by descent, it shall be no bar to a party that any ancestor, through whom he or she derives his or her descent from the intestate, is, or hath been an alien. Title by descent not barred by ancestor being an alien.

Passed February 18, 1835.

**AN ACT to Incorporate "The Hibernian Provident Society
of the town of Newark."**

Preamble.

WHEREAS, the members of the Newark Hibernian Provident Society of the town of Newark, have prayed to become incorporated, in order to secure to those who may hereafter become members thereof, and to the public generally, the benevolent purposes of said Society ; Therefore,

Style of incorporation.

Powers.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all such persons as now are, and hereafter may become, members of "The Hibernian Provident Society of the town of Newark," shall be, and they are hereby, constituted, appointed, and ordained a body politic and corporate, in name and in fact, by the name and style of "The Hibernian Provident Society of the Town of Newark," and by that name, they, and their successors, shall and may have succession, and be capable in law, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity, in all places whatsoever, in all manner of complaints, action or actions, suits, matters, and causes whatsoever ; and that they, and their successors, may have and use a common seal, and may alter, change, and renew the same at pleasure ; and, also, that they, and their successors and associates, by the name and style of "The Hibernian Provident Society of the Town of Newark," may and shall be capable in law, to have, hold, use, possess, enjoy, purchase, sell, and dispose of any real or personal estate, for the benefit of said society.

Officers to be elected and mode of election

Vacancies how filled.

Sec. 2. *And be it enacted,* That in order to carry the objects of said corporation into effect, there shall be one President, one Vice-President, one Treasurer, and one Secretary, who shall hold their respective offices for one year, and until others are elected in their stead ; and, also, six stewards, who shall hold their respective offices for such length of time as the said society, by their by-laws, may, from time to time, direct and deem proper, and until others are elected in their stead ; and that such elections shall be by ballot, at such times and places as the said society, by their by-laws, shall, from time to time, order and direct ; and that all the aforesaid officers shall be elected by a majority of the votes of the members present at such election ; and that in case of any vacancy or vacancies in either, or any of said offices, that shall at any time happen by any cause whatsoever, such vacancy or vacancies shall, and may be filled up, for the remainder of the time for which said officers were appointed, by a special election for that purpose, to be held in the same manner as the aforesaid election, and at such times and

places, as by the by-laws of said corporation shall be provided for.

Sec. 3. *And be it enacted*, That Timothy Bestick shall be the first President; that Michael Naughton shall be the first Vice-President; that Robert Reilly shall be the first Treasurer, and Michael Beatty shall be the first Secretary; who shall hold their respective offices, until the first Monday in October, in the year of our Lord, eighteen hundred and thirty-five, and until others are elected in their stead.

First officers.

Sec. 4. *And be it enacted*, That the said corporation, and their successors, shall and may, from time to time, enact and establish by-laws, and alter, amend, and abrogate the same, as they, from time to time, may deem proper, for the appointment of times and places for the election of officers; for the terms, conditions, and manner of the admissions of members; and of the amount and sums every such member shall contribute and pay into the funds of said corporation, and of the time and manner of paying the same; and, also, for the management, application, and disposition of the funds, estate, effects, and property of the said corporation, for the purpose of carrying the objects thereof into effect; for fixing the times and places of the meetings of the corporation, and the manner of conducting the proceedings thereof; and touching the conduct and duties of the officers; to demand and have of, and from the Treasurer thereof, such security or securities, and in such sum or sums, as they, from time to time, may deem necessary and proper; and for imposing any penalties for the breaking and violating any of the by-laws duly established; and, also, for such other matters and things as may appertain to the affairs, business, and purposes for which said corporation is, by this act, constituted, and for no other purposes whatever; *Provided always*, that such by-laws and penalties imposed for the violation of them, or any of them, be not repugnant to the constitution and laws of the United States or of this state; *Provided also*, that the funds or property of said incorporation, shall not, at any time, be applied or appropriated to any purpose or object, other than those of a charitable and benevolent nature, and for the relief of their own members and their families.

Nature of by-laws which corporation may enact.

Proviso.

Sec. 5. *And be it enacted*, That no person shall be admitted a member of this corporation, unless he be a citizen of the United States, or at the time of, or within three months after his admission, shall produce, before said corporation, a certificate from the proper officer, as designated by the act of Congress of the United States, in such cases made and provided, of his having declared his intention to become such citizen, and on failure thereof, such person shall not be considered, or taken to be a member of said corporation; and

Qualifications of members.

AN ACT authorizing the sale of certain Real Estate, whereof Elisha Clarke, late of the county of Somerset, died seized.

Preamble.

WHEREAS, it appears to the Legislature, that Elisha Clarke, late of the township of Montgomery, in the county of Somerset, died seized of a certain dwelling house, tan-yard, and twelve acres of land, with the appurtenances, situated in the said township of Montgomery, leaving a last will and testament, duly made and executed, in which, amongst other things, after giving to his wife, Sarah H. Clarke, the use of a part of the said dwelling house, during her widowhood, he devised the residue thereof, together with the said tan-yard, twelve acres of land and appurtenances, to his son, Elisha L. Clarke, so long as his said wife should remain his widow, upon condition that the said Elisha L. Clarke should pay to the said Sarah H. Clarke, the sum of one hundred dollars a year, provide fire-wood for her kitchen use, and keep for her one horse and one cow, during her widowhood; and did direct his executors therein named, after the death or widowhood of his said wife, to sell the whole of the said property, at public or private sale, and to pay the moneys arising from such sale, to his four sons, Benjamin Clarke, Joseph Olden Clarke, Ephraim O. Clarke, and Elisha L. Clarke, to be equally divided between them; **AND WHEREAS**, it appears that the said Elisha L. Clarke assigned all his interest in the said property, under the will of his said father, to the said Benjamin Clarke, and the said Benjamin Clarke, afterwards assigned all his interest therein, to the said Joseph Olden Clarke, and that the said Benjamin Clarke, Joseph Olden Clarke, and Elisha L. Clarke, have all departed this life, leaving children who are minors; that the said property is going rapidly to decay, and will not now rent for more than enough to pay the widow's incumbrances; and that an immediate sale thereof would greatly conduce to the interests of all persons interested therein; and it further appearing, that in the event of such sale, the said Sarah H. Clarke, is willing to release all her interest in the said property, in case the sum of one hundred and sixty dollars a year is secured to be paid to her, so long as she remains the widow of the said Elisha Clarke, which said sum is a fair equivalent for her said incumbrances; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Martha Clarke, be, and she is hereby authorized and empowered to sell and convey, at public or pri-

M. Clarke authorized to sell real estate.

vate sale, the said dwelling house, tan-yard, land and appurtenances, for the highest sum of money the same will bring; and to make, execute and deliver, a good conveyance in law, to the purchaser or purchasers for the same; which conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns, all the estate, right, title and interest, which the said Elisha Clarke had, in and to the same, at the time of his death.

Sec. 2. *And be it enacted*, That the said Martha Clarke, before she enters upon the trust reposed in her by this act, shall enter into bond, to the Governor of this state, with such surety, and in such sum, as shall be approved of by the Judges of the Orphans' Court of the county of Somerset, conditioned for the faithful performance of the trust reposed in her by this act; which bond shall be deposited in the office of the Surrogate of said county.

Bond to be given
to the Governor

Sec. 3. *And be it enacted*, That the said Martha Clarke, shall exhibit to the Orphans' Court of the county of Somerset, under oath or affirmation, within six months after such sale, an exact statement of the amount of the said sale, to be recorded and filed in the office of the Surrogate of said county; and the said Orphans' Court, after approving and confirming said sale, and after allowing all just and reasonable costs and charges incurred in the execution of this trust, shall order and direct the said Martha Clarke, to place out at interest, the balance of the proceeds of the said sale, upon good and sufficient security; and the said Martha Clarke shall pay, out of the interest of the said moneys, the sum of one hundred and sixty dollars yearly and every year, to the said Sarah H. Clarke, during her widowhood; and after her death or marriage, shall pay the balance of the said proceeds, and arrears of interest, according to the directions, true intent and meaning of the said last will and testament of the said Elisha Clarke, deceased.

To account to
Orphans' Court.

Mode of distribution of proceeds of sale.

Passed February 20, 1835.

AN ACT for the relief the heirs of Gideon Gould, deceased,
of the county of Sussex.

WHEREAS Gideon Gould, of the county of Sussex, died about four years ago, holding a claim upon, and unto, two certain lots of land in the township of Wantage, county

Preamble;

of Sussex, now in the possession of Joseph Chandler and Timothy Holly, one thereof, containing about one acre, the other about twenty-four acres, and which they also claim, leaving Mary Gould, his widow, and mother of his six minor children, viz: Amy-Ann Gould, Jacob Gould, Julia Gould, James Gould, Sarah Gould, and Phebe Gould, his heirs at law; and to have the right tried by a suit at law, would be expensive to the said heirs, and the event uncertain, and that an offer is made by the aforesaid Joseph Chandler and Timothy Holly, unto Mary Gould, the widow of the said Gideon Gould, deceased, and the mother of the said minor children, and Andrew Willson, their guardian, for the claim and right they may have in said lands; and the said widow and guardian aforesaid, being desirous of accepting of their offer, settling and compromising for the same, believing it will be to the interests of the said minor children; Therefore,

Trustee authorized to sell right of heirs of G. Gould, dec'd. to lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Mary Gould, the widow of Gideon Gould, deceased, and Andrew Willson, guardian of Amy-Ann Gould, Jacob Gould, Julia Gould, James Gould, Sarah Gould, and Phebe Gould, minor children as aforesaid, be, and they are hereby appointed trustees, with full power and authority, to sell, for the best price they can obtain, all the right, title, and interest which the said Amy-Ann Gould, Jacob Gould, Julia Gould, James Gould, Sarah Gould, and Phebe Gould have, in and to the lots of land named as aforesaid, and after the sale thereof, to make and execute good and sufficient deed or deeds of conveyance to the purchaser or purchasers, for all their right, title, and interests in and to said lands.

Sec. 2. *And be it enacted,* That the said trustees, after making sale in manner aforesaid, shall account to the Orphans' Court of the county of Sussex, at the term next succeeding such sale or sales, for the proceeds of said sale or sales; and after a fair and just allowance of all costs, charges and expenses attending the sale or sales made and allowed by said court, shall invest the balance of said proceeds at interest, upon good and sufficient security, to remain so at interest, until the said minors aforesaid, shall attain, severally, the lawful age to demand their respective share.

Bond to be given to Governor.

Sec. 3. *And be it enacted,* That the said Mary Gould, widow of Gideon Gould, deceased, and Andrew Willson, guardian as aforesaid, before they enter upon the trust reposed in them by this act, shall enter into bond to the Governor of this state, with surety, and in such sum, as shall be approved of by the Judges of the Orphans' Court of the coun-

ty of Sussex, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be deposited in the office of the Surrogate of the said county.

Passed February 20, 1835.

AN ACT to authorize Israel Fish, to convey certain Real Estate to the Inhabitants of the township of Trenton, in the county of Hunterdon.

WHEREAS, the town committee of the townships of Trenton and Ewing, in the county of Hunterdon, have, by their joint memorial, represented to the Legislature, that on the first day of April, in the year of our Lord, one thousand eight hundred and seventeen, Israel Carle and Israel Fish, both of the township of Trenton, in the county aforesaid, became seized, in fee, of a tract of land in said township, containing about seventy-seven acres of land, in trust only, and to and for the sole and only proper use and behoof of the inhabitants of the township of Trenton, in the county of Hunterdon, their successors and assigns forever, and to be sold, conveyed, disposed of, mortgaged, charged, and incumbered only by the order of the said The inhabitants of the township of Trenton, in the county of Hunterdon, made at a lawful town-meeting, and entered on their minutes, in the town book, or by the order of the township committee of the township of Trenton, for the time being, entered on their minutes; **AND WHEREAS**, the said The inhabitants of the township of Trenton, in the county of Hunterdon, afterwards became seized in their own right, by virtue of a deed of conveyance from the executors of Asa Knowles, deceased, of a tract of land, containing about thirteen acres, adjoining the aforesaid tract; which said tracts have been used for, and known, and designated as the Poor House Farm of the township of Trenton; **AND WHEREAS**, by an act of the Legislature of this state, entitled "An act to establish a new township in the county of Hunterdon, to be called the township of Ewing," passed the twenty-second day of February, in the year of our Lord, one thousand eight hundred and thirty-four, the said township of Trenton hath been divided, and a part thereof set off into a separate township, by the name of the township of Ewing, and a division of the property of the said township of Trenton, as it existed previously to the passing of the said

act, hath been thereby authorized between the said townships of Trenton and Ewing; AND WHEREAS, in order to effect a just and impartial division of the said tracts of land, between the said townships, in pursuance of the said act, the said Poor House Farm hath been, by an order of the inhabitants of the township of Trenton, in the county of Hunterdon, made at a lawful town-meeting, and entered on their town book, and also, by a like order of the inhabitants of the township of Ewing, in the county of Hunterdon, made at a lawful town-meeting, and entered on their town book, sold at public vendue, and the said the inhabitants of the township of Trenton, have become the purchasers thereof; AND WHEREAS, since the making of the aforesaid deed of trust, the said Israel Carle hath died, leaving the said Israel Fish surviving; AND WHEREAS, under the peculiar circumstances of the case, difficulties exist in the transfer of the said premises, pursuant to said sale, and doubts have arisen, whether a valid title can be made for the said premises, to the said The inhabitants of the township of Trenton, without Legislative aid in the premises; AND WHEREAS, the said memorialists have, by their memorial, prayed that, in order to remove existing difficulties, and to quiet the title to the said tracts of land, an act might be passed authorizing the said Israel Fish to convey and release to the said The inhabitants of the township of Trenton, in the county of Hunterdon, the said tracts of land, and all the right, title, and interest, as well of the said The inhabitants of the township of Ewing, and of the heirs of the said Israel Carle, deceased, as of the said Israel Fish therein; and the prayer of the said memorial appearing to be reasonable, just, and proper; Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Israel Fish, of the township of Ewing, in the county of Hunterdon, be, and he is hereby authorized and empowered, to make and execute unto the inhabitants of the township of Trenton, in the county of Hunterdon, a good and sufficient deed of conveyance, for all that farm and tract of land which was conveyed from Samuel Howell and Sarah, his wife, by deed, bearing date on the first day of April, in the year of our Lord, one thousand eight hundred and seventeen, unto Israel Carle and Israel Fish, in trust for the inhabitants of the township of Trenton, in the county of Hunterdon; and, also, a good and sufficient release of all the right, title, and interest, of the inhabitants of the township of Ewing, in the county of Hunterdon, in, and to all that tract or parcel of land, known by the name of the Poor House Farm, in the township of Trenton, including, as well the aforesaid tract, as also a certain other tract conveyed to

I. Fish authorized to convey Poor House Lands to the township of Trenton.

the inhabitants of the township of Trenton, in the county of Hunterdon, by Mary Knowles and Aaron Moore, executors of the last will and testament of Asa Knowles, deceased, by deed, bearing date on the second day of May, in the year of our Lord, one thousand eight hundred and twenty-five.

Sec. 2. *And be it enacted*, That the said deed of conveyance, and release, duly made and executed by the said Israel Fish, shall convey to, and vest in, the said The inhabitants of the township of Trenton, in the county of Hunterdon, a good and sufficient estate of inheritance, in fee simple, of, and in the premises aforesaid, and therein and thereby, as well The inhabitants of the township of Ewing, in the county of Hunterdon, and the heirs and assigns of the said Israel Carle, as the said Israel Fish, his heirs and assigns, of and from all estate, right, title, interest, claim, and demand, whatsoever, of, in, and to the aforesaid tracts of land, and every part and parcel thereof, shall be absolutely debarred and forever excluded. Validity of deed

Passed February 20, 1835.

AN ACT to enable the guardians of the minor grand children of Elizabeth Hance, deceased, to execute a Deed to John Hance, for land in the county of Cumberland.

WHEREAS Elizabeth Hance, deceased, late wife of John Hance, died seized of certain real estate in the counties of Cape May and Cumberland, in this state, and leaving Elizabeth H. Leaming, now Elizabeth H. Garrison, William S. Leaming Jonathan F. Leaming, and Julia Leaming, her grand children and only heirs at law; **AND WHEREAS**, the said John Hance, since the death of the said Elizabeth Hance, has presented heavy claims against the said minor children, for their support, education and maintenance, during the life time of their grandmother, and for other expenses, amounting in the whole to about four thousand five hundred dollars; **AND WHEREAS**, for the recovery of the said claim, the said John Hance hath instituted suits, and hath in one of said suits, obtained a decree of the Orphans' Court of the city and county of Philadelphia, for the sum of about twenty-seven hundred dollars, leaving the residue of said claims still pending and undetermined; **AND WHEREAS**, the guardians of the said heirs have believ- Preamble.

ed that it would be greatly to the interest of the said children to compromise the said claims, and for that purpose have received a proposal from said John Hance, to accept, in full satisfaction and discharge of all claims, demands, actions and causes of action, which he the said John Hance has against the said heirs, two certain parcels of land, situate in the county of Cumberland, and computed to be worth twenty-five hundred dollars; and it is the opinion of the guardians of the said heirs at law, that such offer is very greatly to their advantage, and would put an end to tedious and expensive law suits and litigation; but that the said guardians have not the power to effect said compromise, without legislative aid; Therefore,

Guardians of
grand-children
of E. Hance au-
thorized to con-
vey lands of J.
Hance on cer-
tain conditions.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That upon the execution, by John Hance of the city of Philadelphia, of good and sufficient releases and discharges, in due form of law, made, executed, and attested, of all his claims and demands whatsoever, actions and causes of action, against the said Elizabeth H. Garrison, wife of Nelson Garrison, William S. Leaming, Jonathan F. Leaming, and Julia Leaming, and against the estate of the said Elizabeth Hance, their grandmother, unto Nelson Garrison, husband of the said Elizabeth H. Garrison, one of the said heirs, to Nicholas Corson, guardian of Jonathan F. Leaming and Julia Leaming, two other of the said heirs, and to Jeremiah Leaming, guardian to William S. Leaming, another of said heirs at law, that they the said Nelson Garrison, Nicholas Corson and Jeremiah Leaming, or the survivor or survivors of them, are hereby fully authorized and empowered, to make, execute, and deliver to the said John Hance, his heirs and assigns, a good and sufficient deed for a certain plantation, tract of land and premises, situate on Maurice river, in the county of Cumberland, containing about one hundred and eighty acres of land, and also, two hundred acres of bush land, to be laid off of a tract of six hundred and seventy acres, near said last mentioned farm in the county aforesaid, being a portion of the real estate of the said Elizabeth Hance, deceased, which has descended to the said heirs at law, and which deed shall vest in the said John Hance, his heirs and assigns, as good, ample and perfect an estate in the said premises, as was held in the same by the said Elizabeth Hance, at the time of her death.

Validity of deed.

Passed February 21, 1835.

AN ACT to authorize the Administrators of James Cassidy, late of the County of Sussex, deceased, to carry into effect an agreement therein named.

WHEREAS, Anna Cassidy, widow and relict of James Cassidy, late of the township of Newton, in the county of Sussex, deceased, and Peter Merkel and Mathias Metler, administrators of the said James Cassidy, deceased, and Alexander Boyles, surviving partner of the said James Cassidy, deceased, have, by their petition, represented to the Legislature, that on or about the twelfth day of May, eighteen hundred and twenty-eight, the said James Cassidy, and the said Alexander Boyles, engaged in business as partners in trade at Lafayette, in the township of Newton, in the county of Sussex, which was carried on and conducted under the style and firm of Alexander Boyles and company, until about the first day of September, eighteen hundred and thirty-four, at which time, the said James Cassidy departed this life, intestate, leaving the said Anna Cassidy, his widow, and Matilda, David, John, Charles, Euphemia, and Elizabeth, his children, all minors, under the age of fourteen years; **AND WHEREAS**, it is further represented, that the said James Cassidy and Alexander Boyles, partners as aforesaid, purchased for the use of the firm, certain real estate, situate at Lafayette aforesaid, consisting of a small quantity of land, with expensive buildings thereon, to wit: a furnace for castings, a saw-mill, blacksmiths shop, store house, dwelling house, tavern house, and wheelwright shop; and that previous to the death of the said James Cassidy, he frequently offered to the said Alexander Boyles, all his right, title, claim, and interest of, in, and to, all the partnership property, both real and personal, upon condition that the said Alexander Boyles would pay, or secure to him, the said James Cassidy, the amount of the capital invested by the said James Cassidy, in the said partnership, with lawful interest thereon, from the time of such investment, and release him from the payment of his own private account due to the firm, and indemnify him, the said James Cassidy, and his estate, from all liability and responsibility, for the outstanding debts due from said firm; but the said arrangement was never carried into effect, in consequence of the death of the said James Cassidy; **AND WHEREAS**, by reason of the minority of the said Matilda, David, John, Charles, Euphemia, and Elizabeth; and by reason of the peculiar situation of the said real estate, no division or sale of the same can be made, without great prejudice to the owners, and the said petitioners having requested the aid of the Legislature in the premises; **Therefore**,

Administrators
of J. Cassidy
authorized to
convey certain
lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Peter Merkel, and Mathias Metler, administrators of James Cassidy, deceased, be, and they are hereby authorized and empowered, to sell and convey to the said Alexander Boyles, all the right and title which the said James Cassidy had, at the time of his death, in the real and personal estate belonging to the firm of Alexander Boyles and company, upon payment, by the said Alexander Boyles, of the amount of capital invested by the said James Cassidy, in the real and personal estate belonging to said partnership, with interest thereon, from the time of the investment, together with a release or discharge from the debt due from the said James Cassidy, to the said firm at the time of his death, and an indemnity from all liability and responsibility, for the outstanding debts due from said firm; and upon such sale or conveyance, to execute and deliver to the said Alexander Boyles, a proper deed, which shall vest in the said Alexander Boyles, all the estate, right, title, and interest whatsoever, of the said James Cassidy, at the time of his death.

Administrators
to account to
Orphans' Court.

Sec. 2. *And be it enacted,* That the said Peter Merkel and Mathias Metler, shall keep a fair account of the amount received by them, and exhibit the same, under oath or affirmation, to the Orphans' Court of the county of Sussex, distinguishing in said account, what was received from the personal estate, and what from the real estate; which said account shall be filed in the office of the Surrogate of said county; and after deducting all reasonable costs and charges, to be allowed by the said Orphans' Court, the said Peter Merkel and Mathias Metler, administrators as aforesaid, shall charge themselves in their account, with the estate of the said James Cassidy, deceased, with such part of the moneys, so received, from Alexander Boyles, as arose from the personal estate of the said firm, and account for the same in the usual course of their administration, on the final settlement of the estate; and such part of the moneys, so received as aforesaid, from the real estate as aforesaid, the said Peter Merkel and Matthias Metler, administrators as aforesaid, shall pay as follows: two-thirds thereof to the said Anna Cassidy, guardian of the said Matilda, David, John, Charles, Euphemia and Elizabeth, minor children, as aforesaid, to be accounted for by her, on her settlement as guardian, as aforesaid, with the Orphans' Court of the county of Sussex; and the remaining third to be placed out at interest, by the said administrators on good security, to be approved of by the said Orphans' Court, during the lifetime of the said Anna Cassidy, and the interest to be paid to her annually; and after her death, the principal to the said minor children or their legal representatives.

Manner of dis-
tributing pro-
ceeds of sale.

Sec. 3. And be it enacted, That before the said Peter Merkel and Mathias Metler, shall enter upon the duties of the trust reposed in them by this act, they shall give bond to the Governor of this state, in such sum, and with such security, as the Orphans' Court of the said county of Sussex shall approve, conditioned for the faithful performance of the said trust; which bond shall be filed in the office of the Surrogate of the said county.

Administrators
to give bond to
the Governor.

Passed February 21, 1835.

AN ACT to authorize the enclosure of a certain tract of Woodland, in the township of Hackensack, in the county of Bergen.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of woodland, situated at Schralenburgh, in the township of Hackensack, in the county of Bergen, bounded on the east by lands of Albert N. Voorhis, Samuel Parcels and Albert Bogart; south by the lands of Albert N. Voorhis, and the road leading from the New Bridge to Schralenburgh; on the west, by the lands of William Ely, James J. Demarest, Henry D. Brinkerhoff and David I. Westerwelt; and on the north, by the lands of Garret A. Demarest and David A. Demarest; to fence the same in common, and to erect and maintain such swing-gates, as they may deem proper; and that from and after the enclosing the same as aforesaid, no person or persons whatsoever, shall drive or let in any horses, cattle or sheep, with intent to run at large in said tract: *Provided always*, that nothing in this act contained, shall be construed, so as to prevent any person or persons from turning his horses, cattle or sheep, on such part of the said tract as may belong to him, and as may be kept enclosed, by a sufficient and lawful fence, separate from the remainder of the tract.

Boundaries of
woodland autho-
rized to be en-
closed.

Proviso.

Sec. 2. And be it enacted, That if any person whatever, shall drive or let in any horses, cattle or sheep, into the said tract, after the same shall have been enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down any part of the fence around the

Penalty for let-
ting in horses or
cattle.

For leaving open
bars or swing
gates.

same, or any of the swing-gates thereon, he shall be liable to a penalty of ten dollars; and if any person or persons shall leave open any bars or swing gates thereon, either negligently or wilfully, he shall be liable to the penalty of two dollars for each offence; any of which penalties may be sued for, and recovered, by the trustees hereinafter mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt; and the proceeds thereof, after paying the costs and expenses of suing for, and recovering the same, shall be applied to making and repairing the fences and swing-gates around the said tract.

Cattle, &c. running
at large on
tract may be im-
pounded.

Sec. 3. *And be it enacted*, That if any horses, cattle, or sheep, be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound in the township of Hackensack, leaving with the keeper of such pound an affidavit, that such horses, cattle or sheep, were found running at large on said tract; and it shall be the duty of such pound-keeper, to receive and keep the horses, cattle or sheep, so delivered to him, until the owner thereof shall pay to him the costs and fees of impounding the same, together with damages, if any incurred; and such pound-keeper, shall collect and receive the same, in the same manner, and shall be entitled to the same fees, and be subject to the same penalties, and shall, in all matters, proceed as is directed by an act entitled "An act regulating fences," passed January twenty-third, seventeen hundred and ninety-nine.

Valuation of
lands.

Trustees to be
appointed.

Sec. 4. *And be it enacted*, That all the owners of any part of the said tract, shall meet on the first Tuesday of April, next, at the house of Albert N. Voorhis, at Schralenburgh, in the township of Hackensack, and on the first Tuesday of April, in each year thereafter, at such place as a majority of them shall direct, and shall proceed, at their first meeting, to value their respective lands, either separately or collectively; and in case they cannot agree among themselves, as to the valuation thereof, they, or a majority of them, shall proceed to choose three disinterested freeholders, residents of the county of Bergen, who shall assess the value thereof, and whose judgment or award shall be binding and conclusive; and the owners of the said lands, or a majority of them, shall choose from among themselves, three persons, to be trustees of said lands, and shall hold their office for the term of one year, or until others shall be appointed in like manner, in each year, at such place as a majority of them shall direct.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of the fence, to be erected round the said tract, and shall assign, by marks and measurement, to each of the owners of the said tract, a part of the said fence to make and maintain, in proportion to the number

of acres owned by him or her therein; and if, after such assignment, and notice thereof, any of the said owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses, from the person or persons so refusing, and their legal representatives, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees, to cause a lawful fence, at all times to be kept up and maintained, around the above said tract.

Assignment of
parts of fence to
be made.

Sec. 6. *And be it enacted*, That when any person who now owns any part of the said tract of woodland, shall own lands adjoining thereto, which are now enclosed by a fence, such person or persons shall keep up and maintain, his or her proportion of a good and lawful fence between such lands and the above mentioned tract, at his or her sole and separate expense; and if any other person may or shall own enclosed lands adjoining said tract of woodland, the said trustees may compel them to maintain their share of the partition fence, between said tract and such enclosed lands, in the same manner as the said trustees might, by law, if they were the lawful owners of the whole of the said tract of woodland, and shall in all things be entitled to the same remedies, and may proceed in the same manner against them, as if they were the lawful owners of the whole of the aforesaid tract of woodland.

Partition fences
how to be main-
tained.

Sec. 7. *And be it enacted*, That each trustee shall be entitled to receive seventy-five cents per day, for every day spent in the above mentioned duties, to be paid by the owners of the said tract, in proportion to their interest therein, and shall be assessed, by the said trustees, according to the aforesaid valuation; and shall make out a duplicate list of the amount, assessed upon the property of each individual, who, upon refusing or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution, before any court having competent jurisdiction of the same, in an action of debt, with costs of suit.

Pay of Trustees.

Passed February 23, 1835.

AN ACT to release to Elizabeth Taylor, the right of the State of New-Jersey, to a Lot of Land in the Township of Lodi, in the county of Bergen.

Preamble

WHEREAS, it is represented to the Legislature, that George Taylor, late of the township of Lodi, in the county of Bergen, in this state, died intestate, without leaving a widow or any lenial or collateral heirs, capable of inheriting the *real estate* whereof he died seized, consisting of a lot of land, containing about sixteen and one-half acres, situated in the township and county aforesaid, and by reason of the said premises, the said lot of land may have escheated to the state of New-Jersey; **AND WHEREAS**, it is further represented, that the said George Taylor at the time of his death, left a mother, Elizabeth Taylor, him surviving, without any means of support; Therefore,

Rights of lands released to E. Taylor.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all the right, title and interest, whereof the state of New-Jersey may have become seized, or entitled to, of and in the said lot of land, either by escheat or otherwise, be, and the same is hereby released to, and vested in, the said Elizabeth Taylor, the mother of the said George Taylor, her heirs and assigns, in fee simple; saving nevertheless, all the legal rights of any other person or persons whatsoever to the same.

Passed February 23, 1835.

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A FURTHER SUPPLEMENT to an act entitled "An act to regulate the Newark Fire Department," passed the eleventh day of February, A. D. eighteen hundred and fifteen.

Two assistant Engineers to be chosen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That on the ninth day of March next, at seven o'clock in the evening, at David D. Chandler's Hotel, in the township of Newark, and thereafter at the several annual meetings, for electing a chief engineer, as is provided for in the act to which this is a supplement, and at such place as

shall be agreed upon by the previous annual meeting, a majority of the firemen present, having first agreed upon the number to be chosen, may proceed to elect not more than two assistant engineers, to be designated numerically, whose duty it shall be, at all times of fire, under the direction and control of the chief engineer, to locate the several engines, to determine from what source water shall be obtained, and also, to determine and order what duties and services shall be performed by the several hook and ladder companies, and to endeavor to have promptly executed, every order and instruction which shall emanate from the chief engineer; and in the absence of the chief engineer, his powers and duties shall devolve upon one of the assistants, in their numerical order.

Duties and powers.

Passed February 23, 1835.

AN ACT to authorize the sale of the Real Estate of Anna Hornblower, deceased, late wife of Josiah Hornblower.

WHEREAS, Anna Hornblower, deceased late wife of Josiah Hornblower, died seized of, and entitled to, certain lots of land and premises, situate in the county of Bergen, in the state of New-Jersey, and intestate, (which said lots of land and premises were devised to her by the last will and testament of her father, Merselis Merselis) leaving Elizabeth, wife of Thomas B. Gautier; Christiana, wife of Gasherie De Witt; Jane Hornblower, William Hornblower, children, and Anna E., wife of Edwin Webb, Caroline T. Hornblower, and Josiah H. Hornblower, (children of her son, Josiah Hornblower, Junior, deceased,) grand-children of her, the said Anna, her surviving, and her heirs at law; which said Caroline T. Hornblower, and Josiah H. Hornblower, are infants, under the age of twenty-one years: the said Caroline T. being of the age of twenty years, and the said Josiah H. of the age of eighteen years: **AND WHEREAS**, the said children are the issue of the marriage between her, the said Anna, and the said Josiah Hornblower, and the said Josiah Hornblower is tenant by the curtesy of the said lots of land and premises; **AND WHEREAS**, it is represented by the said Josiah Hornblower, Thomas B. Gautier, and Elizabeth his wife, Gasherie De Witt and Christiana his wife, Jane Hornblower, William

Preamble.

Hornblower, Edwin Webb and Anna E. his wife, Caroline T. Hornblower, and Josiah H. Hornblower, the only persons interested in the said lots of land and premises, that it would be advantageous to sell the said estate, as it would at present command a high price, and that it would be of a great benefit to all the parties interested in the same; and that the interests of the said Caroline T. Hornblower and Josiah H. Hornblower, who are infants, under the age of twenty one years, but still have arrived to years of discretion, would be greatly advanced thereby, all which appearing to be true; Therefore,

Trustees appointed to sell certain lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel Cassidy and Abel I. Smith, of the township of Bergen, in the county aforesaid, be, and they are hereby appointed trustees, with full power and authority to sell and dispose of the said lots of land and premises, situate in the said county of Bergen, belonging to the heirs at law of the said Anna Hornblower, and which said lots of land and premises were devised to her, the said Anna, by the last will and testament of her father, Merselis Merselis, or any part thereof, for the best price or prices that can be procured for the same, and to make out and execute good and sufficient conveyances and assurances in the law, to the purchaser or purchasers; and they are hereby directed to account for, and pay over the moneys arising from such sale or sales, to the said petitioners, according to their legal and respective rights and interests therein.

Deeds to be certified before valid

Sec. 2. *And be it enacted,* That no deed of such lands and estate shall be valid, unless it be certified in writing, in or upon such deeds, by Peter Sip and Cornelius Van Worst, of the township of Bergen aforesaid, or the survivor of them, under his or their hands and seals, that such sale is made bona fide, and for the highest price that could be obtained for such property, at the time of the said sale or sales.

Trustees to give bond to governor.

Sec. 3. *And be it enacted,* That before the said Samuel Cassidy and Abel I. Smith, Esquires, trustees as aforesaid, shall enter into the trust reposed in them, by virtue of this act. they shall enter into bond, to the Governor of this state, with such securities, and in such amount, as shall be approved of by the Surrogate of the county of Bergen; conditioned for the faithful performance of the duties required of them by this act, which bond shall be deposited in the office of the said Surrogate.

Sec. 7. *And be it enacted,* That the said trustees, or the survivor of them, shall, within six months after the sale of the said lands is completed, make and exhibit, under oath, to

the Surrogate of the county of Bergen, a true statement of the amount of said sale or sales, to be by him recorded and filed in his office; and that the said trustees shall be accountable for all moneys received by them, by virtue of this act, deducting their reasonable and necessary expenses, and a reasonable compensation for their services, to be allowed by the said Surrogate, of the county of Bergen, and shall account for the same to the Orphans' Court for the county of Bergen accordingly.

Account of sales
to be exhibited
to Surrogate of
Bergen.

Passed February 24, 1835.

**AN ACT to incorporate the Bridgeton Beneficial Society,
of the county of Cumberland, New-Jersey.**

WHEREAS, a number of citizens of the county of Cumberland, in this state, have formed themselves into a society, for the purpose of raising a fund, sufficient for the relief of each other, in case of disease, age or accident: **AND** **WHEREAS**, they have, by a committee, represented to the legislature of this state, the expediency of being constituted a body corporate, so as to enable them to hold property, and more safely to vest their funds in stock, or other securities, for the purposes of their association; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That James B. Potter, Daniel Elmer, H. R. Merselles, Isaac Tittsworth, William Riley, David Reeves, Benjamin Thompson, Isaac B. Husted, John Hire, Jr. and James M. Riley, and all such other persons, not exceeding three hundred, as now are or hereafter shall, become members of the Bridgeton Beneficial Society, be, and they are hereby constituted and declared, to be a body corporate and politic, in fact and in law, by the name of the "Bridgeton Beneficial Society;" and by such name, they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatever; and that they and their successors, may have a common seal, and shall have power to make, change and alter

Style of incorporation.

Hornblower, Edwin Webb and Anna E. his wife, Caroline T. Hornblower, and Josiah H. Hornblower, the only persons interested in the said lots of land and premises, that it would be advantageous to sell the said estate, as it would at present command a high price, and that it would be of a great benefit to all the parties interested in the same; and that the interests of the said Caroline T. Hornblower and Josiah H. Hornblower, who are infants, under the age of twenty one years, but still have arrived to years of discretion, would be greatly advanced thereby, all which appearing to be true; Therefore,

Trustees appointed to sell certain lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel Cassidy and Abel I. Smith, of the township of Bergen, in the county aforesaid, be, and they are hereby appointed trustees, with full power and authority to sell and dispose of the said lots of land and premises, situate in the said county of Bergen, belonging to the heirs at law of the said Anna Hornblower, and which said lots of land and premises were devised to her, the said Anna, by the last will and testament of her father, Merselis Merselis, or any part thereof, for the best price or prices that can be procured for the same, and to make out and execute good and sufficient conveyances and assurances in the law, to the purchaser or purchasers; and they are hereby directed to account for, and pay over the moneys arising from such sale or sales, to the said petitioners, according to their legal and respective rights and interests therein.

Deeds to be certified before valid

Sec. 2. *And be it enacted,* That no deed of such lands and estate shall be valid, unless it be certified in writing, in or upon such deeds, by Peter Sip and Cornelius Van Worst, of the township of Bergen aforesaid, or the survivor of them, under his or their hands and seals, that such sale is made bona fide, and for the highest price that could be obtained for such property, at the time of the said sale or sales.

Trustees to give bond to governor.

Sec. 3. *And be it enacted,* That before the said Samuel Cassidy and Abel I. Smith, Esquires, trustees as aforesaid, shall enter into the trust reposed in them, by virtue of this act. they shall enter into bond, to the Governor of this state, with such securities, and in such amount, as shall be approved of by the Surrogate of the county of Bergen; conditioned for the faithful performance of the duties required of them by this act, which bond shall be deposited in the office of the said Surrogate.

Sec. 7. *And be it enacted,* That the said trustees, or the survivor of them, shall, within six months after the sale of the said lands is completed, make and exhibit, under oath, to

the Surrogate of the county of Bergen, a true statement of the amount of said sale or sales, to be by him recorded and filed in his office; and that the said trustees shall be accountable for all moneys received by them, by virtue of this act, deducting their reasonable and necessary expenses, and a reasonable compensation for their services, to be allowed by the said Surrogate, of the county of Bergen, and shall account for the same to the Orphans' Court for the county of Bergen accordingly.

Account of sales
to be exhibited
to Surrogate of
Bergen.

Passed February 24, 1835.

AN ACT to incorporate the Bridgeton Beneficial Society, of the county of Cumberland, New-Jersey.

WHEREAS, a number of citizens of the county of Cumberland, in this state, have formed themselves into a society, for the purpose of raising a fund, sufficient for the relief of each other, in case of disease, age or accident: **AND** **WHEREAS**, they have, by a committee, represented to the legislature of this state, the expediency of being constituted a body corporate, so as to enable them to hold property, and more safely to vest their funds in stock, or other securities, for the purposes of their association; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That James B. Potter, Daniel Elmer, H. R. Merselles, Isaac Tittsworth, William Riley, David Reeves, Benjamin Thompson, Isaac B. Husted, John Hire, Jr. and James M. Riley, and all such other persons, not exceeding three hundred, as now are or hereafter shall, become members of the Bridgeton Beneficial Society, be, and they are hereby constituted and declared, to be a body corporate and politic, in fact and in law, by the name of the "Bridgeton Beneficial Society;" and by such name, they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatever; and that they and their successors, may have a common seal, and shall have power to make, change and alter

Style of incorporation.

the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into and execute, any contracts or agreements, touching and concerning the objects of said corporation.

Time and mode
of election of
officers.

Sec. 2. *And be it enacted*, That the members of said society, or as many of them as can conveniently attend, shall meet on the first Thursday of April next, and on the first Thursday of April, annually thereafter, at some suitable time and place; of which meetings, notice for the space of ten days shall be given in one of the newspapers of this state, and then and there by a plurality of votes of those present, proceed to elect a president, vice-president, secretary, assistant secretary, treasurer, and such other officers and assistants as they shall find necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office shall deliver it over to his successor.

Objects, duties
and powers of
incorporation.

Limitation of es-
tate to be owned

Sec. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held by the society, shall be vested in the body politic and corporate hereby constituted; which said body politic and corporate, shall, by the name and title aforesaid, be able and capable in law, to purchase, receive, take and hold, for the use and benefit of said society, and for the purposes alone expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, goods, and chattels, by the gift, alienation, devise or bequest, of any person or persons, bodies politic or corporate, legally authorized, and able to make the same: *provided*, that the clear yearly income or value of the real and personal estate of the said corporation, shall not exceed the annual sum of two thousand dollars.

Corporation
may make con-
stitution and by-
laws.

Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized to make and use, and from time to time, to alter and amend, as to them may appear expedient, such general form of a constitution, and such by-laws for the transaction of business, and for affecting the persons of the association aforesaid, as to the members of the said society or the major part of them, duly met, shall be deemed right and proper, provided nothing in the said constitution and by-laws be contrary to the constitution and laws of the United States, or of the State of New-Jersey.

Sec. 5. *And be it enacted*, That the said corporation shall not use any of their funds for banking operations, or in any other way except for such benevolent purposes provided for by this act.

Sec. 6. *And be it enacted*, That it shall be lawful for

the Council and General Assembly of this State, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

Passed February 25, 1835.

~~REPEALED~~

AN ACT authorizing the sale of a part of the State Lands at Paterson.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Attorney General be, and he is hereby authorized to sell and convey in behalf of this State, unto the Trustees of the first particular Baptist Church of Paterson, a plot, not exceeding two acres, of the land at Paterson, belonging to the State, for the uses and purposes of a burial ground; and that he fix the price of the same, agreeably to the present just and proper value thereof.

A lot at Paterson authorized to be sold.

Passed February 26, 1835.

~~REPEALED~~

A FURTHER SUPPLEMENT to the Act entitled "An Act for the punishment of crimes."

WHEREAS, several instances of the degrading practice of prize-fighting, have lately occurred in this state, and the existing laws are believed to be inadequate effectually to prevent the introduction and prevalence of this evil; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That every person who shall be engaged in any fight or combat, with fists, commonly denominated prize-fighting, whether such fight or combat be for money or any other valuable thing, or merely to test the skill or bodily powers of the pugilists or combatants, and every person who shall be aiding, assisting or abetting, in any such fight or combat,

Penalty for prize fighting.

shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be punished by imprisonment not exceeding two years, or by fine not exceeding one thousand dollars, or both.

Penalty for
bringing persons
into the state for
fighting.

Sec. 2. *And be it enacted*, That if any captain, commandant or owner of any steam boat, or other vessel, shall knowingly permit such boat or vessel to be used in, or for the conveyance or transportation of persons into this state, for the purpose of being engaged in, or aiding, assisting, abetting or witnessing any such fight or combat, as is mentioned in the first section of this act, he or she shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment, not exceeding two years, or by fine, not exceeding five hundred dollars, or both.

Penalty for
being present at
a prize fight.

Sec. 3. *And be it enacted*, That every person who shall be present at any such fight or combat, as is mentioned in the first section of this act, coming from a foreign state for the purpose of witnessing the same, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment, not exceeding one year and one day, or by fine not exceeding two hundred dollars, or both.

Passed February 26, 1835.



AN ACT to provide for a Geological and Mineralogical Survey of the state of New-Jersey.

A geological and
mineralogical
survey of the
state authorized
to be made.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the Governor or person administering the government of this state, be, and he is hereby empowered, to employ some suitable and scientific person or persons to make a Geological and Mineralogical survey of the state, and make a report thereon to the next session of the Legislature, and that he be authorized to draw upon the Treasurer, for any sum, not exceeding in the whole, one thousand dollars, in order to defray the expenses of the same.

Passed February 26, 1835.

AN ACT for the relief of Nathan Bolles.

WHEREAS Eliza Clapp, wife of Henry W. Clapp, late of the town of Newark, in the county of Essex and state of New-Jersey, died seized of a small lot of land, lying in the said town of Newark, being butted and bounded as follows: beginning at a corner of a lot set off to Abby J. Bolles; thence running along her line, south sixty-five degrees east nine chains and forty-six links to Joseph Baldwin's corner thence southwesterly along his line to the corner of a lot set off to Mary T. Norris; thence along her line north sixty-five degrees west nine chains and forty-six links, to a corner of a lot set off to Abby J. Bolles; thence along her line north twenty-six degrees east sixty-three links, to the place of beginning; the above described lot being designated as lot No. 2, on map No. 9, as set off to the said Eliza Clapp, by commissioners appointed to make partition of the real estate of Ezra Baldwin, deceased, among his children: **AND WHEREAS**, the said Eliza Clapp, left Caroline M., Cornelia W., Henry B. and Elizabeth I. Clapp, her children and heirs at law, being minors under the age of fourteen years; **AND WHEREAS**, it was much for the interest and advantage of said minor children, that the said lot of land and premises which was wholly unproductive and waste, should be sold, and the proceeds thereof invested in some productive funds for the use and benefit of said infant children: **AND WHEREAS**, the said Henry W. Clapp, the father and guardian of said minor children, did on the seventeenth day of April, A. D. eighteen hundred and thirty-three, sell and convey the said lot of land and premises to the said Nathan Bolles, in fee simple; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the title of the said Nathan Bolles, in and to the above described lot of land and premises, be, and the same is hereby confirmed, and made valid and effectual in him, his heirs and assigns forever.

Title of Nathan Bolles to certain lands confirmed.

Passed February 26, 1825.

AN ACT to authorize the sale of the Wood and Timber standing on certain Real Estate, of Peter Drummond, of the county of Monmouth, a lunatic.

WHEREAS, Peter Drummond, of the county of Monmouth, a

lunatic, is seized of a large tract of woodland, situate in the township of Shrewsbury, in said county : **AND WHEREAS**, Edmund Throckmorton and Edmund T. Williams, of said county, are the guardians of the person and estate of the said lunatic : **AND WHEREAS**, it is represented it would be to the interest of the estate of the said lunatic, if the wood and timber fit for market, standing and growing on said premises were sold ; and that by the existing laws of the state, neither the said guardians, nor any other person, can sell or dispose of the same ; for remedy whereof,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Edmund Throckmorton and Edmund T. Williams, guardians of the said lunatic, be, and they are hereby authorized and empowered, to make sale at public vendue, to the highest bidder, of such and so much of the wood and timber, standing and being on the said land, belonging to the said lunatic, as in the opinion of the said guardians, will be ripe and fit for market, and be for the benefit of the said lunatic and his estate, giving at least one month's previous notice, by advertisements, in five of the most public places in the township of Shrewsbury, in said county ; and cause the same to be published for the same period of time, in one of the newspapers printed in said county, and circulating in the vicinity of such lands ; and to invest the net proceeds of such sale or sales, in some safe securities, drawing interest under the direction of the Orphans' Court, of the said county of Monmouth, for the use and benefit of the said lunatic and his estate : *provided nevertheless*, that before said guardians make sale as aforesaid, they give bond to the Governor of this state, in such sum and with such security, as the Orphans' Court of said county, may direct and approve.

Sec. 2. *And be it enacted,* That in the event of the personal estate of the said lunatic, being insufficient for his maintenance and support, that the proceeds of the sale of the said wood and timber, may, under the direction of the said Orphans' Court, be applied to his maintenance and support, so far as may be necessary ; and that the said guardians, account for the proceeds of said sale, to the said Orphans' Court, in the same manner, as though such proceeds were part of the personal estate of said lunatic.

Passed February 26, 1835.

Guardians authorized to sell timber.

Proviso.

Proceeds of sale to be accounted for to Orphans' court of Monmouth.

AN ACT to incorporate the Mechanics' Hall Association in the town of Newark, New-Jersey.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Prudden Alling, Caleb Carter, John S. Darcy, Jabez G. Goble, and Richard Sweasy, be appointed commissioners to open books of subscription at Newark, to raise the sum of seventy-five thousand dollars, in shares of one hundred dollars each; the said commissioners to give notice of the time and place of opening books of subscription, by advertising the same in one of the newspapers printed in Newark, for at least four weeks next previous to such time; the books to continue open five days in succession, unless the stock should be sooner taken.

Commissioners
to open sub-
scription for
stock.

Sec. 2. *And be it enacted,* That all such persons as shall become subscribers to the capital stock in the preceding section mentioned, their successors and assigns shall be, and are hereby created and made a corporation and body politic, by the name and style of "The President, Directors and Company of the Mechanics' Hall Association, in Newark," and by that name shall be, and are hereby made capable in law to have and purchase, receive and possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of what nature or kind soever; and the same to grant, demise, pledge, alien, or dispose of; sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever; and also to make, have, and use a common seal, and the same to alter and renew at their pleasure, and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation: *provided,* they be not inconsistent with the constitution and laws of this state, and of the United States, or with this charter; and also to appoint all such officers, agents and servants as shall be necessary to carry into effect the powers of this act vested in said corporation, and allow them such compensation for their services, as shall be deemed reasonable by the board of directors.

Style of corpe-
ration.

Powers of incor-
poration.

Proviso.

Sec. 3. *And be it enacted,* That the sum subscribed shall be paid in manner following, that is to say: five dollars on each share at the time of subscribing, to the persons receiving subscriptions, and the remainder in instalments of five dollars on each share, when called for by the president and directors of said company, appointed and chosen in the manner hereinafter prescribed, upon thirty days previous notice being given by the secretary of said company, in one of the newspapers printed in Newark, and any person, corporation or body politic, failing to pay any instalment, or any part thereof,

at the times prescribed and required by said corporation, shall forfeit to the said company every share upon which there shall be a deficiency.

Amount of capital stock.

Sec. 4. *And be it enacted*, That the capital stock of said corporation shall be seventy-five thousand dollars, to be divided as aforesaid, in shares of one hundred dollars each; and upon the closing of said books of subscription or within five days after the directors are chosen, the stock having been subscribed as aforesaid, the said commissioners herein before named, shall deliver over into the hands of the said directors, the said subscription books, and all other books and papers whatsoever, which shall be in their hands, and belonging and appertaining to the said corporation; and shall also pay over to the said directors all moneys which they shall have received on account of said subscription; and the said directors shall have power to call in and demand from the stockholders, payment of the sums remaining due upon the shares subscribed, at such times and in such instalments or proportions, as they or a majority of them, shall deem proper and requisite, under the penalty of forfeiture as aforesaid.

Time and mode of electing directors.

Sec. 5. *And be it enacted*, That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by seven directors, all of whom shall be stockholders of said company, one of whom shall be president of said company, all of whom shall hold their offices for one year, and shall be elected on the second Monday of April in every year, at the house of the company, at such time of day as the board of directors, for the time being, shall appoint, notice of which shall be given by the secretary of said company, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers printed in the town of Newark; for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of election, who shall conduct and regulate the same, none of whom shall be elected as a director; they shall determine whether the persons voted for, are qualified for directors, and after the conclusion of the ballot, shall decide and declare who are elected; each stockholder shall be entitled to one vote for each share of stock held by him; and said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; those persons having a majority of the votes taken, shall be the directors for the ensuing year, and until others are elected; and the directors so elected, shall, immediately thereafter, proceed to elect by ballot, one of their number as president; and in case of a vacancy by death or resignation among the directors, such vacancy shall be filled for the remainder of the year, by such person or persons as the remainder of the directors, for the time being, shall appoint; the first directors

shall be elected on the tenth day of May, in the year of our Lord eighteen hundred and thirty-five, two weeks notice having been first given by advertisement in one of the newspapers printed in the town of Newark, signed by the commissioners, who are to act at such election as judges thereof, which is to be conducted as the elections herein before mentioned; five directors shall constitute a board for the transaction of business of said company.

Quorum of directors.

Sec. 6. *And be it enacted*, That the books of said company shall be kept by the clerk of said company, who shall reside in the town of Newark, and shall, at all times, between the hours of ten A. M. and three P. M., be subject to the inspection of any stockholder of said company; and in case of refusal on the part of said clerk to exhibit said books on demand made by any such stockholder, he shall forfeit and pay such person so refused, the sum of one hundred dollars, to be sued for in an action of debt; and no transfer of stock shall be deemed lawful, unless it be made on the book of said company kept for that purpose, in which shall be entered the names of all stockholders of said company.

Books to be open to the inspection of stockholders.

Sec. 7. *And be it enacted*, That the president of said company shall receive such compensation for his services, as the board of directors shall deem reasonable; but no other director shall be entitled to any emolument for his services, unless allowed by a majority of stockholders at their annual meeting.

Compensation to President.

Sec. 8. *And be it enacted*, That the funds of this corporation shall only be laid out and expended in purchasing a suitable site in the town of Newark, for a public house, and erecting a suitable building or buildings thereon, to be used for such purposes, and furniture for the same; and that the said company shall not employ any of their funds in any banking or insurance operations, or for any purposes not plainly indicated by this act.

How funds of corporation to be applied.

Sec. 9. *And be it enacted*, That this charter shall continue in force until the expiration of twenty years; and that no part of the capital stock shall be divided among the stockholders until a final dissolution of said company.

Capital not to be divided till expiration of charter.

Sec. 10. *And be it enacted*, That the capital stock of said company shall be deemed personal estate, and that the Legislature may, at any time hereafter amend, modify or repeal this act, as they may think proper.

Act may be altered or repealed

Passed February 26, 1835.

A SUPPLEMENT to an act, entitled "An act to authorize the chosen freeholders of the county of Cumberland, to build a draw-bridge over Cohansey creek, at the town of Bridgeton", passed the twenty-sixth of January, eighteen hundred and thirty-three.

Penalty for fast driving,

Keep to the right.

Proviso.

Proviso.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall not be lawful, for any person or persons, to drive any wagon or cart, sled or sleigh, or any other kind of carriage, or vehicle, or ride, lead or drive any horse or horses, mule or mules, or any description of cattle, over or upon the draw of said bridge, at a faster gate than a walk; and any person or persons, driving any wagon or cart, sled or sleigh, or any other kind of carriage, or vehicle, whether of burden or pleasure, over said bridge, shall keep to the right, while driving or going over said bridge; and every person so offending against the provisions of this act, shall forfeit and pay five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same, for the use of the county of Cumberland; *provided always,* that this act shall not be construed, so as to prevent any physician, or person or persons going for such physician, or returning from said errand; any person or persons riding express, by order of any public officer of this state, or of the United States, or pursuing a fugitive from justice, runaway servant or apprentice, from riding or driving over said draw, at a faster gate than a walk: *provided always,* that the board of chosen freeholders, of said county, shall cause to be fixed, and always kept up, at each end of the bridge, in some conspicuous place, in plain letters, Five Dollars fine, for travelling over the draw of this bridge, at a faster gate than a walk; and on neglect of such notice, the aforesaid fine shall not be incurred.

Passed February 26, 1835.

A FURTHER SUPPLEMENT to an act, entitled "An act to incorporate the Paterson and Hudson River Rail Road Company," passed January twenty-first, one thousand eight hundred and thirty-one.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That so much of the fifteenth section of the act

to which this is a supplement, as requires that the said rail road shall be completed at the expiration of five years, from the fourth day of July, one thousand eight hundred and thirty-one, be, and the same is hereby repealed; and when the permanent rail road of The New-Jersey Rail Road and Transportation Company, shall be constructed through Bergen Hill, and thence to the Hudson River, and put in use, it shall be lawful for the president and directors of the Paterson, and Hudson River Rail Road Company, their successors and assigns, to charge for the transportation of goods, wares and merchandise thereon, from the junction to the river, or on any branch thereof, twelve and a half cents per ton per mile; and that it shall not be lawful for said company, directly or indirectly, to charge for the transportation of property on their road, and on the said permanent road, from the junction, and on its branches, more than the tolls prescribed by the tenth section of their act of incorporation, and by this supplement; and if the owners and occupants of the property on Main and Congress streets in Paterson, or of a majority thereof in value, shall require the same, and the Paterson and Hamburg Turnpike Company, without compensation, shall consent thereto in writing, (if their consent be necessary,) that then the president and directors of the Paterson and Hudson River Rail Road Company, their successors and assigns, shall be authorized and required, within six months after such requisition and consent, shall be obtained with reference to said street, to extend a track down Main street, to, or within one hundred feet of its intersection with Broadway; and that within one year from the fourth day of July next, they shall lay a track down Congress street, to the point designated in their act of incorporation.

Time of completion of road extended.

Toll increased on part of the road.

Sec. 2. *And be it enacted*, That so much of the seventeenth section of the said original act, as authorizes the legislature of the state, to cause an appraisement of said road to be made, at any time after the expiration of fifty years from the completion of said road; and that so much of the eighteenth section as requires the treasurer of said company to make annual returns to the treasurer of this state, from and after the completion of the said rail road, be, and the same are hereby repealed; and that the legislature may cause such appraisement to be made at any time after the expiration of fifty years from the fourth day of July, one thousand eight hundred and thirty-six; and that it shall be the duty of the treasurer of the said company, from and after the said fourth day of July, one thousand eight hundred and thirty-six, to make the annual returns required by the said eighteenth section.

Time of appraisement and making returns, altered.

Sec. 3. *And be it enacted*, That this supplement shall be taken and considered as a public act.

Public act.

Passed February 27, 1835.

A SUPPLEMENT to an act entitled "An act for suppressing vice and immorality," passed the sixteenth of March, seventeen hundred and ninety-eight.

Exhibition of improvements in mechanic arts not prohibited.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That nothing contained in the twelfth section of the act to which this is a supplement, shall be construed to affect the exhibition of any invention or improvements in the Mechanic Arts, but such exhibitions shall be placed upon the same footing as the exhibitions of natural curiosities are provided for in and by said act.

Menageries to be licensed.

Sec. 2. *And be it enacted,* That from and after the passage of this act, it shall not be lawful for any person or persons to exhibit or show within this state, for any price, gain, or reward, any menagerie, or collection of beasts or animals, without having first obtained license for that purpose, as hereinafter mentioned.

How and by whom licenses are to be granted

Sec. 3. *And be it enacted,* That any three Justices of the Peace, shall have authority to grant a license, in their discretion, to any person or persons, to exhibit and show any menagerie, or collection of beasts, or animals, within the county of which they are Justices; and all licenses granted under this act, shall set forth the township or townships in which such exhibition or show is authorized to be made; the time or number of days it may be continued; and the price or prices which may be demanded for admission to the same.

Sum to be paid for license.

Sec. 4. *And be it enacted,* That before any such license shall be granted, the person or persons applying for the same, shall be required to pay into the hands of the Justices of the Peace, to whom the application is made, such sum of money as the said Justices shall deem proper, not less than ten dollars, nor more than one hundred dollars, for each day said exhibition or show shall be licensed to continue.

Penalty for violation of the act.

Sec. 5. *And be it enacted,* That any person or persons offending against the provisions of this act, shall forfeit and pay for every offence, the sum of one hundred dollars; to be recovered in an action of debt, in any court having cognizance of the same, in the name of the County Collector of the county where the offence is committed, and it shall be a duty hereby imposed for the Collector of the county, or the Collector of the township wherein such exhibition is made, to prosecute and recover the same.

Money to be paid to the county collector.

Sec. 6. *And be it enacted,* That all moneys received and recovered under this act, shall be paid over to the County Collector of the county where the same shall be received, or the offence committed, within thirty days after the receipt thereof, for the use of the county.

Passed February 27, 1835.

AN ACT to enable Albert A. Westervelt, late collector of the county of Bergen, to settle with the State Treasurer.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Treasurer of this state be authorized to receive from Albert A. Westervelt, late collector of the county of Bergen, in payment of the quota of tax of the county of Bergen, for the year one thousand eight hundred and thirty-three, an assignment of his claim on the Washington Banking Company, for the sum of one thousand eight hundred and fifty-seven dollars and thirty-three cents, for moneys by him deposited with said company before their failure, and that the said assignment shall be received in payment for the sum of one thousand eight hundred and fifty-seven dollars and thirty-three cents.

Treasurer to receive assignment.

Sec. 2. *And be it enacted,* That the Treasurer of this state, be authorized and directed, upon receiving the assignment above mentioned, to refund and pay to the said Albert A. Westervelt, the sum of seven hundred and seventy-four dollars and thirty-three cents, out of the treasury of this state; and that the said Albert A. Westervelt, be, thereupon, discharged and acquitted from all further liability to this state, and to the Treasurer thereof, for the quota of tax for the county of Bergen, for the year of our Lord one thousand eight hundred and thirty-three.

Sum to be refunded.

Passed February 27, 1835.

AN ACT to incorporate "The Assanpink Manufacturing Company."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Philemon Dickinson, Lewis Waln, William Grant, William Waln, and Thomas J. Stryker, and their associates, and their successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Assanpink Manufacturing Company," for the purposes of manufacturing cotton or woollen or both, and shall have power to raise by subscription, in shares of one hundred dollars each, a capital of three hundred thousand dollars; and

Style of incorporation, &c.

Time and manner of election of directors.

Stock forfeited on failure to pay instalments.

Election to be by ballot.

How vacancies to be supplied.

Officers of the company to take an oath.

as soon as five hundred shares shall be subscribed, the individuals above named, or any three of them may, by public notice of thirty days, given in one or more of the public newspapers, printed in the city of Trenton, call a meeting of the stockholders of the said company, for an election of seven directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy, the said individuals above named, or any three of them, to be inspectors and judges of said first election; and the said directors when elected, shall choose out of their number a president; and the directors of the said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company; and shall appoint three inspectors of said election who are not directors; and the directors so elected, shall continue in office until their successors are elected; and shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state or the United States; and shall also have power to call in said stock from time to time, in such instalments as they shall think necessary, by giving public notice as aforesaid, and to declare forfeited to the said company, the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *provided*, previous notice of thirty days shall have been given to each delinquent stockholder.

Sec. 2. *And be it enacted*, That all elections for directors of said company, shall be by ballot; and if the directors, for the time being, of said company, shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, that then, upon such neglect or refusal, the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice, and call such meeting, and elect directors, in like manner, as if the said directors had given notice, as by this act is required; and if at any election for directors, two or more persons voted for, shall receive an equal number of votes, then the directors for the time being, shall determine by ballot, which of the said persons, so having an equal number of votes, shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office, until the next annual election shall be complete.

Sec. 3. *And be it enacted*, That the said directors, before they enter upon the duties of their office, shall severally take

and subscribe an oath or affirmation, faithfully and honestly to promote the interests of the said company; and they may appoint a secretary, treasurer and such other officers and agents as they may, from time to time, deem necessary and useful, with such compensation as they may think adequate; and require from such officers and agents, as well an oath or affirmation of fidelity, as such bond and security for their good conduct, as may to them appear reasonable and proper.

Sec. 4. *And be it enacted,* That the said company may for the purpose of promoting the manufacture of cotton or wool-len goods or both, and of erecting such machinery as may promote the manufacture of said articles, buy, rent, take and hold, or otherwise become seized and possessed of, and hold, all such lands, tenements and water power, and other real and personal estate in the city of Trenton, and within one and a half miles of said city, as may be necessary and useful for the purposes aforesaid, and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; *provided*, that they shall occupy none of the public streets, lanes or alleys of the said city, with their said improvements, without previously procuring the consent of the common council thereof, regularly expressed by ordinance; and the said company by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act; *provided always*, that the privileges hereby granted, shall not be so construed as to interfere with the vested rights of any other person or persons, body corporate or politic.

Company may hold real estate.

Proviso.

Proviso.

Sec. 5. *And be it enacted,* That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, (which surplus fund shall not exceed at any one time ten thousand dollars,) shall be semi-annually made by the said directors, among the stockholders, and the books of the said company shall, at all times, be open for the inspection of the said stockholders; *provided*, that no dividends shall be made, except from the actual profits of said company.

Semi-annual dividends to be made.

Proviso.

Sec. 6. *And be it enacted,* That the stock of the said company shall be personal property, and transferable on the books of said company; and that no part of the funds of the company shall be used for banking purposes.

Stock transferable.

Sec. 7. *And be it enacted,* That this charter shall continue in force until the first day of March, in the year of our Lord one thousand eight hundred and sixty-five, and no longer; and that during that time, upon any departure from, or vio-

Limitation of act.

lation of the provisions of this act, the legislature may repeal, alter, or modify the same, as in their opinion, the public good may require.

Passed February 28, 1835.

AN ACT to incorporate the " Jersey City Marine and Fire Insurance Company, in the county of Bergen."

Preamble.

WHEREAS, sundry inhabitants of Jersey City and vicinity, in this state, have represented to the legislature, that insurance of vessels, and other property, situate and belonging to citizens in this state, is frequently, and to a large amount, made in the city of New-York; and that an Insurance Company in Jersey City, under proper regulations, would tend to the convenience of the inhabitants in that section of the state, and would confine at home a source of wealth which is yearly carried into another state—Therefore,

Style of corporation.

Powers and privileges.

Proviso.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be, and hereby are, constituted and made a body politic and corporate, by the name and style of "The Jersey City Marine and Fire Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name, may also have, purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation; and the same to grant, demise, alien and dispose of at pleasure, for the benefit of said company; and may, also, have a common seal, and alter and renew the same at their pleasure; and, also, to make and establish such by-laws and regulations as shall seem necessary and expedient for the well ordering and government of said institution, and to put the same into execution; *provided*, that the same be not contrary to the laws of the United States, nor of this state.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall be two hundred and fifty thousand dol-

lars, to be divided into shares of fifty dollars each ; and that twenty-five thousand dollars of the said stock shall be subscribed and actually paid, before the said company shall be allowed to commence business.

Sec. 3. *And be it enacted*, That the sums subscribed shall be paid to the persons hereinafter mentioned, in the following manner : five dollars on each share at the time of subscription, and the remainder to be paid in such instalments, and at such times, as the president and directors may appoint.

Mode of payment of subscriptions.

Sec. 4. *And be it enacted*, That the secretary of said company shall give notice in two of the newspapers published in the town of Newark, and at least two of the daily papers published in the city of New-York, for at least twenty days preceding the day when each instalment is to be paid ; and the person or persons failing to pay any such instalment, for the space of thirty days after such time of payment, to the person appointed to receive the same, shall forfeit to the said company all and every such shares whereon there shall be a deficiency, and all moneys previously paid thereon.

Notice of payments of instalments.

Sec. 5. *And be it enacted*, That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by fifteen directors ; who may respectively hold their offices for one year, and until others may be chosen, and no longer ; which directors shall, at all times during their continuance in office, be stockholders in the said company in their own right, and shall be citizens of New-Jersey ; and the said directors shall hereafter be elected on the first Monday in December in each and every year, at such hour of the day, and at such place in Jersey City, as the board of directors for the time being, shall appoint ; of which election, public notice shall be given in one of the newspapers published in the town of Newark, and in the city of New-York, at least two weeks previous to such election ; and every such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or represented by their proxies, but no share shall entitle the holder to vote unless the same has been held by him at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States ; and the first directors shall be John M. Cornelison, Hartman Van Waggonen, John Cassedy, Robert Gilchrist, John Griffith, Dudley S. Gregory, John K. Goodman, William Glaze, Cornelius Van Vorst, William R. Taylor, Asa Wright, Samuel Cassedy, Francis Morris, John Gilbert, and Joseph Dodd, who shall respectively hold their offices until the first Monday of December, in the year of our Lord one thousand eight hundred and thirty-five, and until other directors are chosen in their stead.

Qualification of directors.

Time and mode of electing directors.

Sec. 6. *And be it enacted*, That the directors herein be-

President to be chosen.

How vacancies supplied.

Proviso.

Officers to be appointed.

Commissioners to receive subscriptions.

Objects of incorporation.

Manner in which policies are to be made.

fore mentioned, shall, as soon as convenient after the passing of this act, and the directors annually chosen, agreeably to the provisions of this act, shall, as soon as convenient after their election, proceed to choose out of their body, one person, to be a president, who shall be an inhabitants of the township of Bergen, in the county of Bergen, and shall preside until the next annual election thereafter; and in case of death, resignation or inability to serve, of the president or any directors of said company, such vacancy or vacancies may be filled, for the remainder of the term, by such person as the board of directors may appoint; in case of the absence of the president, the board of directors shall have power to appoint a president *pro tem.*, who shall exercise all such powers and duties as the by-laws of the said company may provide; *provided*, that the president of the said company, shall hold his office at the pleasure of the board of directors, and be subject to their removal.

Sec. 7. *And be it enacted*, That the board of directors, for the time being, shall have full power to appoint a secretary, and such other officers as may be requisite for effecting the business of the said company; and also, to allow them, respectively, such compensation for their services, as may, in their judgment, be deemed reasonable.

Sec. 8. *And be it enacted*, That John M. Cornelison, Robert Gilchrist and John Griffith, be appointed commissioners, to take in subscriptions to the capital stock of this company; that the subscription books be opened by the commissioners aforesaid, at Jersey City, first giving notice thereof, for two weeks, in one of the papers printed at Newark, and one of the daily papers, printed in the city of New-York; and shall continue open, from day to day, (Sundays excepted,) for ten days, unless the whole capital stock shall be sooner subscribed.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said company to insure houses, buildings of any description, and personal property, of whatsoever kind, against loss by fire; also, ships, steam-boats or other boats, and vessels, and the property contained therein, against loss or damage, by fire or other casualty; and the said company shall be liable for all loss sustained by fire, or other casualty, agreeably to, and on such terms and conditions, as shall be contained in the policy.

Sec. 10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof; and shall be subscribed by the President, or President *pro tempore*, or by such other officer, as may be designated for the purpose by the by-laws of said corpora-

tion, and attested by the Secretary; and being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on, without the presence of the whole board of Directors, but by such committee or otherwise, as the said board may direct; and the same shall be binding and obligatory on the said company.

Sec. 11. *And be it enacted*, That the number of votes of each stockholder in the company, shall be estimated according to the number of shares which such stockholder may have in his own right, that is to say: for every share, and not exceeding ten shares, one vote; every five shares above ten, and not exceeding fifty, one vote; and for every ten shares above fifty, one vote.

Manner of voting.

Sec. 12. *And be it enacted*, That for the well regulating and conducting of the election of Directors, the President for the time being, shall previously thereto, appoint three stockholders, not being Directors, to be judges of the election, who shall conduct and regulate the same; and seven Directors shall constitute a quorum for the transaction of business.

Judges of election.

Sec. 13. *And be it enacted*, That the board of Directors, or any number of stockholders, being proprietors of at least one-half of the stock, may at any time, call a meeting of the stockholders, for the transaction of the business of said company, previously advertising the time and place of said meeting, for at least two weeks, in a paper printed in the county of Bergen, or some paper in the town of Newark, or the city of New-York, and mentioning the object of such meeting.

How meeting of stockholders may be convened.

Sec. 14. *And be it enacted*, That the stock of said company shall be assignable and transferable, according to such rules, and subject to such restrictions and conditions, as the board of Directors may, from time to time establish; and that the said stock shall be considered personal property.

Stock assignable and transferable

Sec. 15. *And be it enacted*, That it shall and may be lawful for the said company, to purchase and hold, such and so much real estate, as shall be necessary for their convenient accommodations in the transaction of their business; and also, to take and hold any real estate or securities, bona fide mortgaged or pledged to the said company, or to secure the payment of any debt, which may be contracted with the said company; and also, to proceed on the said mortgages or securities, for the recovery of the moneys thereby secured,

What real estate company may hold.

Proviso.

either at law or in equity, or otherwise, in the same manner as any other mortgagee is, or shall be authorized to do; and also, to purchase, on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted, and due to the said company, and to hold the same, until they can conveniently sell or convert the same into money, or other personal property; *Provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds or money thereof, for or in any banking operations, or in the purchase or sale of any stock, or funded debt created, or to be created, under any law of the United States, or any particular state, or to emit any notes, or bills, or securities for the payment of money, except under the seal of the said company, or in doing any other business not designated by this act; but it shall, nevertheless, be lawful for the said company, to purchase and hold any such stock, or funded debt, for the purpose of investing therein, any part of their capital stock, funds or moneys; and also, to sell and transfer the same; and again to renew such investments, when, and as often as the exigencies of the said company, or a due regard to its interest shall require; and also, to make loans of their capital stock, funds or moneys, on bonds and mortgages, and the same to call in and re-loan, as occasion may render expedient.

Semi-annual dividends to be made.

Sec. 16. *And be it enacted*, That it shall be lawful for the Directors of said company, to make dividends of so much of the profits of the company as shall appear advisable; and the said dividends shall be paid out semi-annually to the stockholders, or their legal representatives; but the dividends shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired; and if the said Directors shall at any time knowingly make a dividend of the capital, as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, or any of them, their heirs, executors, or administrators, in any court of record in this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each Director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give further notice to the stockholders of the declaring such dividend.

Annual statement of affairs to be exhibited.

Sec. 17. *And be it enacted*, That at the annual meeting for the choice of Directors, a statement of the affairs and business of the company, for the preceding year, shall be made

out and shown for the general satisfaction of the stockholders.

Sec. 18. *And be it enacted*, That each Director and Secretary shall, before he enters on the duties of his office, take and subscribe to the following oath or affirmation, (as the case may be) "I, do swear, (or affirm) that I will faithfully execute the duties of agreeably to the provisions of the act, entitled "An act to incorporate the Jersey City Marine and Fire Insurance Company in the county of Bergen," and the trust reposed in me, to the best of my skill and understanding."

Oath of officers.

Sec. 19. *And be it enacted*, That the said company shall cause to be kept at their office, proper books of account; in which shall be fairly and truly entered, all the transactions of the company; which books shall be at all times open for the inspection of the stockholders.

Books of acc't.
always open to
inspection.

Sec. 20. *And be it enacted*, That this act shall continue in force for the space of thirty-one years; but it shall and may be lawful for the Legislature, at any time hereafter, to alter, amend, or repeal the same.

Sec. 21. *And be it enacted*, That the said company shall pay into the treasury of this state, one-quarter of one per centum per annum, on the capital stock paid in, to commence three years after the said company shall go into operation; which amount shall be paid in under the oath or affirmation of the President and Secretary thereof.

Per centum to be
paid to the state.

Passed February 28, 1835.

AN ACT authorizing trustees to sell and convey certain real estate late of William Biles, deceased.

WHEREAS, it is represented to the legislature, by the administrators, and by the widow and guardian of the children of William Biles, late of the county of Hunterdon, deceased, that the said William Biles, died seized, of an undivided moiety of a lot of land, with improvements thereon, situate in Lambertville, in said county, adjoining and bounded on the west by the Delaware river; on the north by Bridge street, and on the east by William Walters' lot; and also of one other lot, with the improvements thereon, bounded on the north by the last mentioned lot; on the west by the river Delaware; on the south by Dr. Wilson's

Preamble.

land; and on the east by the feeder of the Delaware and Raritan Canal; leaving a widow and six minor children; that the said premises are incumbered by mortgages to a large amount, and other debts, which after exhausting the personal estate of said decedent, yet remain unpaid, which with the perishable nature of the property, renders it desirable for the interest of all parties concerned, that the property be disposed of immediately; Therefore,

Trustees appointed to sell lands of W. Biles, deceased.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Elias Ely and Lewis S. Coryell, be, and they are appointed trustees, with full power and authority to sell all the share, right, title and interest, of, and in the said two lots of land, with the appurtenances whereof the said William Biles, died seized, for the highest and best price that can be reasonably obtained for the same, and upon receipt of the purchase money therefor, to make, execute and deliver to the purchaser or purchasers thereof, good and sufficient deeds of conveyance for the same, which deeds shall convey to, and vest in, the said purchaser or purchasers, all the estate, right, title, and interest, which the said William Biles, at the time of his decease, had of, in, and to the said premises so sold.

Account of sales to be rendered to Surrogate.

Distribution of proceeds of sale

Sec. 2. *And be it enacted,* That the said trustees, within six months after making such sale or sales, shall make, subscribe and exhibit, under oath or affirmation, to the surrogate of the county of Hunterdon, a fair and correct statement of such sale or sales, which shall be filed of record in the said surrogates' office, and within one year after making such sale or sales, shall account to the Orphans' Court of the county of Hunterdon, for the proceeds thereof, and after allowance for the expense of making such sales or sales, and such reasonable compensation as the said court shall see fit to allow said trustees for executing said trust, shall apply the net proceeds of such sale or sales, first, to pay the mortgages and liens on said property, in their order of priority, and the residue to the payment of the debts and expenses of said deceased, in a due course of administration, and the surplus, if any there be, shall be distributed to the widow and children of said deceased, in the following proportions; one fifth part thereof to the said widow, and the remainder in equal portions between the six minor children of said decedent.

Bond to be given to Governor.

Sec. 3. *And be it enacted,* That the said trustees, before they shall enter on the duties prescribed by this act, shall enter into bond to the governor of this state, with one sufficient surety to be approved of by the surrogate of the county of Hunterdon, in such sum as he shall direct, conditioned for the faithful performance of the trust herein expressed.

Passed February 28, 1835.

AN ACT to authorize Eliza Meeker, widow and Administratrix of Stephen J. Meeker, deceased, to execute and deliver a Deed of Conveyance unto William B. Woodruff, for a Lot of Land, in the Township of Newark, in the County of Essex.

WHEREAS, it appears that William B. Woodruff, of the township of Newark, in the county of Essex, did, on or about the first day of April, A. D. eighteen hundred and thirty-two, execute and deliver a deed of conveyance, in fee simple, for a lot of land and premises, situate in the township of Newark aforesaid, which deed of conveyance, although in absolute terms, was given, and intended to be, in the nature of a mortgage, to secure endorsements of the said Stephen J. Meeker, for the said William B. Woodruff; and that it was agreed, by the said Stephen J. Meeker, to convey to the said William B. Woodruff, the said lot of land and premises, whenever he, the said Stephen J. Meeker, should be relieved from all liability on account of said endorsements; **AND WHEREAS**, the said Stephen J. Meeker, died intestate, on the seventeenth day of October, A. D. eighteen hundred and thirty-two, with the title of the aforesaid lot of land standing in his name; and it appearing, that there are no claims against the estate of the said Stephen J. Meeker, on account of the aforesaid endorsements; and that, therefore, the said lot of land and premises, should in justice and equity, be re-conveyed to the said William B. Woodruff; and that the same cannot now be done, by reason of the death of the said Stephen J. Meeker; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Eliza Meeker, widow and administratrix of Stephen J. Meeker, late of the township of Union, in the county of Essex, be, and she is hereby authorized and empowered to make a deed of conveyance unto the said William B. Woodruff, and to his heirs and assigns, for the lot of land and the appurtenances, situated on the north corner of Broad and Fair-streets, in the town of Newark, in the county of Essex, which was conveyed by the said William B. Woodruff and wife, to the said Stephen J. Meeker, by deed bearing date the first day of April, A. D. eighteen hundred and thirty-two, and recorded in the Clerk's office of the county of Essex, in book K. 3. of deeds, in pages two hundred and ninety-eight and two hundred and ninety-nine, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said lot of land and the appurtenances, and the vesting the title thereof in the said

Administratrix
of S. J. Meeker,
dec'd, empower-
ed to convey
lands.

William B. Woodruff, as if the same had been executed and delivered by the said Stephen J. Meeker and wife, in his lifetime; *Provided nevertheless*, that before this act shall take effect, the said William B. Woodruff shall give bond to the Governor of this state, in such sum and such security, as shall be approved of by the Surrogate of the county of Essex, with condition to indemnify and save harmless the estate of the said Stephen J. Meeker, of, and from all endorsements made by the said Stephen J. Meeker, for the said William B. Woodruff.

Passed February 28, 1835.



AN ACT to authorize Samuel Van Saun, Mary-Ann Van Saun, and Richard Doremus, Executors of John Van Saun, deceased, to fulfil a contract with Edward Graham, for the conveyance of a certain tract of land at Preakness, in the Township of Saddle River, in the County of Bergen.

Preamble.

WHEREAS, it appears that Edward Graham, of the county of Bergen, verbally purchased of Garrabrant Van Houten, a certain tract of land, situate on the west side of the public road leading from Preakness to Samuel Crowell's, containing one acre, strict measure; **AND WHEREAS**, it appears that the said tract of land was, by the heirs of Garrabrant Van Houten, on the twenty-first day of November, A. D. eighteen hundred and thirty-one, conveyed to John Van Saun, to secure to him, the said John Van Saun, the consideration money agreed to be paid to the heirs of the said Van Houten, by the said Edward Graham, and advanced by the said Van Saun for the said Graham; **AND WHEREAS**, it appears, that it was agreed between the said John Van Saun and the said Edward Graham, that the said John Van Saun should convey the said lot of land, to the said Edward Graham, as soon as he, the said Graham, should pay to the said Van Saun, the amount by him so paid, with interest for the same; **AND WHEREAS**, it appears, that the said John Van Saun hath since that time departed this life, without conveying the said lot; and that the executors of the said Van Saun, have joined

in petition with the said Graham, for the passage of an act, authorizing them the said executors, to convey the said lot unto the said Edward Graham; and the prayer of the petitioners appearing to be reasonable and just; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel Van Saun, Mary-Ann Van Saun, and Richard Doremus, executors of John Van Saun, deceased, Executors of J. Van Saun empowered to convey lands. be, and they are hereby empowered to convey to Edward Graham, a certain lot of land, situate at Preakness, in the county of Bergen; which said lot was conveyed to their testator, by the heirs of Garrabrant Van Houten, deceased, by deed, bearing date the twenty-first day of November, A. D. eighteen hundred and thirty-one; upon payment to them, by the said Edward Graham, of the consideration money paid to the said executors of Van Houten, by the said John Van Saun, and all interest due upon the same; and that said deed or conveyance, so made and executed by the said executors, as aforesaid, shall be valid and effectual, to convey and vest in the said Edward Graham, his heirs and assigns, all the estate, right and title in the said land which the said John Van Saun, had in the same, at the time of his decease; *Provided* Proviso. *always,* that such deed or conveyance, shall in no ways affect the right, title or interest in the said land, of any person other than the heirs of the said John Van Saun, deceased.

Sec. 2. *And be it enacted,* That the said executors shall account to the Orphans' Court for the county of Bergen, for the consideration money aforesaid, in the same manner, as for the other property of their testator.

Passed February 28, 1835.

AN ACT to incorporate the Morris and Sussex Manufacturing Company,

WHEREAS a number of citizens of Morris and Sussex counties, have, by their petition to this legislature, represented, that they are desirous of establishing a Manufacturing Company, at or within one and a half miles of Stanhope, Preamble. in said counties, for manufacturing of cotton, wool, iron, and window sash, in their several and various branches,

and praying to be incorporated for that purpose; **AND WHEREAS**, the prayer of the said petition appears to be reasonable and proper, inasmuch as it will be beneficial to this state, by the introduction and employment of considerable capital therein; **Therefore**,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Robert P. Bell, Charles Munson, Alexander M'Kain, Joseph Northrup, jr. Jacob Lowrance, and such other persons as now are, or hereafter may be associated with them, and their successors be, and they are hereby constituted a body politic and corporate in this state, by the name and style of "The Morris and Sussex Manufacturing Company," for the sole purpose of manufacturing wool, cotton, iron, and window sash; and that, by that name they and their successors shall have power, and continue to be a body corporate, for the term of twenty years, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding and conveying any goods, wares and merchandise whatsoever, and also any lands, tenements, or hereditaments, at or within one and a half miles of Stanhope, in said counties, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations.

Style of incorporation.

Powers and privileges.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation, shall be fifty thousand dollars, which shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as fifteen thousand dollars of the said capital stock shall have been subscribed and paid, to commence their business, and with that capital, conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned.

Sec. 3. And be it enacted, That it shall be lawful for the President and Directors of the said corporation, to call for and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, not exceeding ten dollars on each share, at any one time, under the pain of the forfeiture of his, her, or their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days previous notice of such call and demand, in two of the newspapers printed in Morris and Sussex counties.

Stock forfeited
on failure to pay
instalments.

Sec. 4. And be it enacted, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by five directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall at all times during their continuance in office, be stockholders in the said company, in their own right, to the amount of at least five shares, and shall be citizens of the United States; and the said directors shall hereafter be elected on the first Monday in August in each and every year, at such hour of the day, and at such place as the board of directors, for the time being, shall appoint, of which election public notice shall be given in two of the newspapers printed in Morris and Sussex counties, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previously to every election by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote, unless the same shall have been held by him at least sixty days next immediately preceding such election; and in case any vacancy or vacancies should occur in the board of directors, by death, resignation, or incapacity, such vacancy to be supplied by the remainder of the directors, for the time being.

Time and man-
ner of electing,
and qualifica-
tion of directors.

Sec. 5. And be it enacted, That Robert P. Bell, Charles Munson, Alexander McKain, Joseph Northrup, jr. and Jacob Lowrance, shall be commissioners, whose duty it shall be, at some suitable place in the county of Morris and Sussex, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days public notice shall be given by the said commissioners, of the time and place of the opening of such books, and also, of the amount of the first instalment to be then paid, in two of the newspapers printed in said counties; and as soon as the same shall be subscribed, to give a like notice for the meeting of the stockholders, to choose five directors; and the said commissioners shall be in-

Commissioners
to receive sub-
scriptions for
stock.

spectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities received for subscriptions : and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

President to be chosen.

How vacancies to be supplied.

Sec. 6. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall, as soon as may be, after that appointment, proceed to choose out of their body one person to be President, who shall preside until the next annual election thereafter; and in csse of the death, resignation, or inability to serve, of the President, or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and in case of the absence of the President, the board of directors shall have power to appoint a President pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation provide.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That if it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Stock assignable and transferable.

Sec. 8. *And be it enacted*, That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall, from time to time, make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due, or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale, or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid, to the satisfaction of the board of directors.

Majority of directors a quorum.

Sec. 9. *And be it enacted*, That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of voices; and they shall have power to appoint a Secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper, for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits re-

resulting from the business of the said corporation, as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *Provided*, that such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state, or of the United States.

Duties of directors.

Sec. 10. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at their manufactory, paper books of account, in which shall be regularly entered all the transactions of said corporation, which books shall be subject, at all times, to the inspection of the stockholders of the company.

Books of account always open to inspection.

Sec. 11. *And be it enacted*, That the Legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Act may be altered or repealed.

Passed February 28, 1835.

A SUPPLEMENT to an act entitled "An act, authorizing the enclosure of a certain Tract of Land, situated in the Township of Caldwell, in the County of Essex," passed the third day of February, eighteen hundred and twenty.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be the duty of the managers, now elected under the act to which this is a supplement, previous to the next annual meeting, to make an equitable allotment of the proportions of fence, each owner and possessor shall make and maintain, for enclosing the aforesaid tract of land, according to the best of their judgment, by survey or otherwise; having regard in such allotments, to the comparative benefits of the said owners and possessors; and also, allot-

Managers to make allotment of fence, &c.

New managers
to revise former
allotments.

ing, as near as may be, to the several owners and possessors, such portions of the said fence, as they have heretofore, respectively, made and maintained; which said allotments, properly described, together with the distance in chains and links, shall be entered in the book of proceedings, kept by the managers; which said entry, shall be evidence of the proportions of fence, each owner and possessor is bound to make, in any court of record, until the same shall be altered, at an annual meeting of the owners and possessors, in manner following, to wit: it shall be the duty of the newly elected managers, at each annual meeting, or any two of them, immediately upon their election upon the suggestion of any person concerned, to revise and correct the aforesaid allotments, for making and maintaining the aforesaid boundary fence, as in their judgment will be equitable and just, and make an entry thereof, which entry may be given in evidence as aforesaid.

Proceedings in
case of insuffi-
ciency of fence.

Sec. 2. *And be it enacted*, That in no case the managers, or any two of them, shall at any time hereafter, consider the fence on any of the allotments so as aforesaid made, insufficient for the purpose of lawfully enclosing the aforesaid tract, it shall be their duty to cause a written notice, signed by any two of them, to be served upon such person or persons, to whom such allotments have been made as aforesaid, or left at his or her place of abode, if convenient to be found, with some person of the family, above the age of fourteen years; requiring him or her, giving not less than thirty days notice, to make or repair, as the case may be, their respective proportions of said fence; the sufficiency of which, for the purpose of lawfully enclosing the aforesaid tract, shall be determined by the managers.

Proceedings on
neglect to make
fence.

Sec. 3. *And be it enacted*, That if any person or persons shall neglect to make their proportions of fence, so as aforesaid allotted, within the time specified in the aforesaid notice, it shall be the duty of the managers, or any one of them, forthwith to make, or cause the same to be made; and having so done, to call upon any two of the township committee, either owning lands, within the aforesaid enclosure or not, to appraise the value thereof, and to certify the same in writing, together with reasonable compensation for their service, which said amount so certified, the managers shall be entitled to recover, in their own names, in an action of debt, with costs of suit, from the person or persons neglecting as aforesaid, before any court having cognizance thereof.

Managers to
make fence
when owner is
not known.

Sec. 4. *And be it enacted*, That in case any parcel or parcels of land, within the aforesaid enclosure, should not be claimed, or the owner thereof is not known, or cannot conveniently be found, it shall be the duty of the managers,

without delay, to make the proportions of fence, assessed upon such lot or lots of land; and having had the value thereof appraised, and certified by two of the township committee as aforesaid, to present the same to a Justice of the Peace, and filing with him an affidavit, sworn and subscribed by any one of the aforesaid managers, setting forth the material facts in the case; whereupon it shall be the duty of the said Justice, to record the same, and enter judgment for the amount, so as aforesaid certified, with costs; and to issue an execution, directing the constable to levy upon, and make the said debt and costs, from the sale of so much of the wood and herbage, standing or growing, upon the said lot or lots of land as aforesaid, advertising the sale thereof, as in other cases for the sale of goods and chattels under execution; the purchaser or purchasers of which, shall be privileged to enter upon, cut and remove the wood and herbage so purchased, without molestation or hindrance.

Timber, &c. to be sold for expense of fencing.

Sec. 5. And be it enacted, That when the boundary line of the aforesaid enclosure, shall correspond with lines or division fences, on which fences now are, or have been made, for the purpose of enclosing adjoining lands, lying without the aforesaid enclosure, and while such adjoining lands are occupied as enclosed lands, it shall be the duty of such person or persons, owning or occupying such adjoining lands, to make and support one equal half of such fence or fences, as division fences, between neighbor and neighbor, are maintained separate from, and exclusive of any allotments of fence made on account of land, lying within the aforesaid boundary line; which said division fence as aforesaid, shall be made and maintained, in conformity to the provisions of this act, for enforcing the making and supporting the boundary fence of the aforesaid tract.

Owners of adjoining enclosed lands to make part of fence.

Sec. 6. And be it enacted, That the owners and possessors may, by a plurality of votes, to be regulated according to the ratio prescribed in the third section of the act to which this is a supplement, of such owners and possessors, as are present at an annual meeting, agree to pasture the aforesaid tract, any time between the tenth day of October and the first day of December following, and at no other time during the year; and also, that they have power, at the same time, to pass by-laws; which said agreement and by-laws, shall be fairly entered in the managers book of proceedings, and shall be binding until a subsequent annual meeting, and no longer; and if any person or persons, shall at any time, wilfully open or break down any fence, or wilfully open or break down any swing-gate, erected for the purpose of enclosing the aforesaid tract, or violate any of the by-laws, entered as aforesaid, such person or persons, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered

Time for pasturing in enclosure.

Penalty for injuring fence, &c

in an action of debt, with costs of suit, in the name of the managers, before any court having competent jurisdiction.

Time and place
of electing direc-
tors.

Sec. 7. *And be it enacted*, That after the annual meeting in April next, a meeting of the owners and possessors shall be held on the first Monday in October following, at the house of Cornelius Dey, in the township of Caldwell, for the purpose of electing managers, as is directed in the third section of the act to which this is a supplement; and upon the election of managers as aforesaid, the term of office of the managers elected in April previous, shall expire; and also, for doing such other business as is contemplated by this act, and the act to which this is a supplement; which said first Monday in October, shall every year afterwards, be the time for holding the annual meeting of the owners and possessors, for the purposes aforesaid.

Penalty for
managers ne-
glecting duty.

Sec. 8. *And be it enacted*, That if any manager, duly elected as such, and entering upon the duties of his office, shall, during the term for which he is elected, wilfully neglect any of the duties directed by this act, and the act to which this is a supplement, for him to perform, he shall forfeit and pay the sum of ten dollars; to be recovered in an action of debt, with costs of suit, in the name of any owner or possessor who will prosecute for, and recover the same, in any court having cognizance thereof.

Mode of appro-
priating penal-
ties and dam-
ages.

Sec. 9. *And be it enacted*, That all penalties and damages, recovered and collected by virtue of this act, and the act to which this is a supplement, shall be appropriated to the erection of and maintaining swing-gates, and such other expenses as necessarily result from carrying into effect the provisions of this act, and the act to which this is a supplement; which appropriations shall be made and directed by the owners and possessors present at an annual meeting; and in case of a deficiency of means for the purposes aforesaid, the owners and possessors present at an annual meeting, are hereby empowered to assess and tax the lands so as aforesaid enclosed; which said assessment shall be recorded in the book of proceedings, and collected as is directed in the seventh section of the act to which this is a supplement.

Part of former
act repealed.

Sec. 10. *And be it enacted*, That every thing contained in the act to which this is a supplement, coming within the purview of this act, be, and the same is hereby repealed.

Passed February 28, 1835.

AN ACT authorizing a trustee to sell and convey certain real estate late of Caleb Runk, deceased.

WHEREAS, it is represented to the legislature by Margaret Runk, the widow, and Ellen Runk, Margaret Runk, the younger, Catharine A. Runk, and George W. Runk, the children and heirs of Caleb Runk, late of the county of Hunterdon, deceased, that the said Caleb Runk, died intestate, seized of a house and lot of about eleven acres of land, in the township of Amwell; also, two shares in a fishery, in the river Delaware, called Burnshin Fishery, below Centre Bridge, in said township, possessed of some personal property and effects, and indebted to such an extent, that proceeding to sell and apply the personal and real estate to the payment of debts and expenses, in a due course of administration, according to law, would eventuate, not only in the sale of the personal property, but also the lot, when a sale of one or both of the shares in said fishery, would be sufficient to liquidate the debts and claims against said estate, and enable them to retain the goods, as well as the house and lot, which furnishes a comfortable home for the widow and children—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Barber, be, and he is hereby appointed a trustee, with full power and authority, to sell all those two shares in the said fishery, on the river Delaware, called Burnshin Fishery, for the highest and best sum that can be reasonably obtained for the same; and upon receipt of the purchase money therefor, to make, execute, and deliver to the purchaser thereof, good and sufficient deeds of conveyance for the same, which deeds shall convey to and vest in the said purchaser or purchasers, all the estate, right, title, and interest which the said Caleb Runk, at the time of his decease, had, of, in and to the premises so sold.

Trustees empowered to sell estate.

Sec. 2. *And be it enacted,* That the said trustee, within six months after making such sale or sales, shall make, subscribe and exhibit under oath or affirmation, to the surrogate of the county of Hunterdon, a fair and correct statement of such sale or sales, which shall be filed of record in the said surrogates' office; and within one year after making such sale or sales, shall account to the Orphans' Court of the county of Hunterdon, for the proceeds thereof; and after allowance for the expense of making such sale or sales, and such reasonable compensation as the said court shall see fit to allow said trustee for his services, in executing said trust, shall apply the net proceeds of such sale or sales, to pay the

Trustee to account of sales to Surrogate.

Distribution of
proceeds of sale.

debts and expenses of said deceased, in a due course of administration, and the surplus, if any there be, shall be distributed according to law.

Bond to be given
to the Governor.

Sec. 3. *And be it enacted*, That the said trustee, before he shall enter on the duties prescribed by this act, shall enter into bond to the Governor of this State, with sufficient surety, to be approved by the Surrogate of the county of Hunterdon, in such sum as he shall direct, conditioned for the faithful performance of the trust herein expressed.

Passed February 28, 1835.



A FURTHER SUPPLEMENT to the act, entitled "**An act for the better relief and employment of the Poor, in the county of Salem,**" passed March twelfth, seventeen hundred and ninety-six.

Lands of paupers
to be sold
by trustees of
poor house.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That whenever any person shall be admitted as a pauper into the poor-house, of the county of Salem, under an order granted by virtue of the act to which this is a further supplement, and such pauper, at the time of the granting of such order, or during their residence at such poor-house, shall be seized, possessed of, or in anywise entitled to any estate, real, personal, or mixed, it shall and may be lawful for the trustees of the poor of the county of Salem, to sell, lease, or otherwise dispose of, so much thereof as shall from time to time be necessary to defray the expenses of said pauper, and to pay over the proceeds thence arising, to the treasurer of the said trustees, for the use and benefit of the incorporation.

Manner of selling
and nature
of deed.

Sec. 2. *And be it enacted*, That all real estate, to be sold by the said trustees, by virtue of this act, shall be at public vendue, upon three months notice in a newspaper of said county, and by advertisements set up in five of the most public places of said county, for the like space of time; and all conveyances therefor shall be executed by the president of the trustees, for the time being, and the order or orders by which the pauper to whom the estate did belong, was admitted into the said poor-house, shall be set forth at large in the deed; which said deed or conveyance shall vest in the pur-

chaser or purchasers, as good and perfect an estate in the premises so conveyed as the said pauper was seized of; or entitled to, at any time before the said sale.

Sec. 3. *And be it enacted*, That in case any pauper, whose estate shall have been vested and disposed of as aforesaid, shall happen to die, after his or her admission into the poor house, and before the reasonable expenses of his or her relief, maintenance, or interment, shall have amounted to the amount of the proceeds of the sale of his or her estate, then it shall be the duty of the said trustees to pay over the balances remaining, after deducting such reasonable expenses, to the legal heirs of such deceased pauper; and for want of such heirs, the same shall belong to the said corporation for the use of the poor of the said county.

Application of
proceeds of sale

Passed February 28, 1835.

AN ACT to Incorporate the Camden Oil Manufacturing Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Ambler, Thomas A. Coffin, Samuel E. Davis, Samuel Harris, Robert W. Orden, William M. Knight, Isaiah Toy, Garret D. Wall, Gideon V. Stivers, Joseph Rodgers, Peter I. Clark, Francis Shoemaker, William W. Duncan, Samuel Laning, Morris Croxall, and such other persons as may be hereafter associated with them, (under regulations to be prescribed by a majority of them attending their first meeting, and thereafter by a majority of the directors, for the time being,) and their successors and assigns, be, and they are hereby constituted a body politic and corporate, to be located in the county of Gloucester, by the name of the "Camden Oil Manufacturing Company," for the purpose of manufacturing oil from cotton seed, or other substances, and purifying the same, and for making machines for hulling cotton seeds, and for carrying on the branches of business connected with the operations above mentioned; and by the said name, they and their successors and assigns shall have power as, and constitute a body politic and corporate, and be capable in law, of suing and being sued, pleading and being im-

Style of incor-
poration.

**Powers and
privileges.**

Proviso.

pleaded, answering and being answered unto, in all courts of justice, or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, and assigns, in their corporate name, shall be capable to acquire, purchase, receive, have, hold and enjoy, and dispose of and convey any lands, tenements, hereditaments, goods and chattels, or other property of what kind soever, requisite for carrying on the branches of business hereinbefore mentioned; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used or employed, at any time, in banking operations, or in any other business not expressly authorized by this act.

**Manner of elect-
ing directors.**

**President to be
chosen.**

**Vacancies sup-
plied.**

Sec. 2. And be it enacted, That the stock, property and concerns of said company, shall be managed and conducted by such number of directors or managers, not less than three, being stockholders, as shall be fixed by the by-laws of the said company, one of whom to be president, who shall hold their offices one year, and until others are elected; and that the said directors shall be elected annually, at such time and place, as shall be directed by the by-laws of the said company; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers, printed nearest the place where such election shall be held, by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot; and each stockholder shall be entitled to one vote for every share of stock he may hold; and the persons having the greatest number of votes, being stockholders, shall be directors; and the said directors, as soon as may be after their election, shall proceed, in like manner, to elect, by ballot, one out of their number, to be president, and shall also, at the same time, elect a secretary and treasurer to the company; and if any vacancy or vacancies shall at any time happen, by death or otherwise, among the directors elected, the directors for the time being, or a majority of them, shall fill up such vacancy or vacancies, for the remainder of the year.

**Amount of capi-
tal stock.**

Sec. 3. And be it enacted, That the capital stock of said company shall not exceed seventy-five thousand dollars, and shall be divided into shares of ten dollars each; but it shall, nevertheless, be lawful for the said company, whenever five thousand dollars of the said capital stock shall have been subscribed and paid, to commence their said business, and with that capital, conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders, respectively, all

such sums of money subscribed, at such times and in such proportions, as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payments shall have been published for that time, in one or more public newspapers, published nearest the place where such payments are to be made.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the stock of the said corporation, shall be deemed personal estate, and be transferable in such manner, as shall be prescribed by the by-laws of the said corporation.

Stock personal estate and transferable.

Sec. 5. *And be it enacted*, That a majority of the directors, for the time being, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe all necessary and proper by-laws, not repugnant to the constitution and laws of the United States, and this state, touching the subscription, increase, and management of the stock, effects, estate, property and profits of the said corporation, officers, appointments, clerks and servants, salaries and allowances, and other concerns of said corporation.

Majority of directors a quorum.

Duties of directors.

Sec. 6. *And be it enacted*, That the directors shall, at all times, keep, or cause to be kept, at their office, proper books of account; in which shall regularly be entered all the transactions of the said corporation; which books shall, at all times, be open to the inspection of the stockholders of said company; *Provided*, that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the books to be kept by the president and directors for the purpose.

Books of acc't. always open to inspection.

Sec. 7. *And be it enacted*, That this act shall be, and continue in force, until the first day of January, eighteen hundred and sixty, and no longer; *Provided*, that the legislature may, at any time, alter, amend, or repeal this act, when the public good may require it.

Act may be altered or repealed.

Passed February 28, 1835.

A SUPPLEMENT to "An act for the enclosure of a certain Tract of Woodland, in the Township of Saddle River, in the County of Bergen," passed the twenty-sixth day of February, eighteen hundred and thirty-four.

Boundaries of tract authorized to be enclosed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the boundaries set forth in the first section of the act to which this is a supplement, shall be taken and construed to embrace and include all the commons within said boundaries, or as much thereof as would be enclosed by a fence, running from the corner of William W. Colefax's land, along the road leading to Pompton, to the corner of Cornelius Ackerman's land, near his house.

Fees received for cattle impounded.

Sec. 2. *And be it enacted,* That the affidavit required by the third section of the original act, may be made before any Justice of the Peace, within the said county; and that for each horse, cow, steer or ox, the sum of twenty-five cents, and for each sheep or hog, the sum of twelve and a half cents shall be paid in the first instance by the pound-keeper, to the person or persons who shall impound the same.

Owners of adjoining lands to make fences.

Sec. 3. *And be it enacted,* That when any person who now owns any part of the said tract of woodland, shall own lands adjoining thereto, which are now enclosed by a fence, such person or persons shall keep up and maintain, a good and lawful fence between such lands, and the above mentioned tract, at his or her sole and separate expense; and if any other person may or shall own enclosed lands, adjoining said tract of woodland, the said trustees may compel them to maintain their share of the partition fence between said tract and such enclosed lands, in the same manner as the said trustees might, by law, if they were the lawful owners of the whole of the said tract of woodland; and shall, in all things, be entitled to the same remedies, and may proceed in the same manner against them, as if they were the lawful owners of the whole of the aforesaid tract of woodland.

Passed March 2, 1835.

AN ACT for the relief of the wife and children of Jacob Rose, of the township of Byram, County of Sussex.

WHEREAS, it is represented to the legislature, that Jacob Rose, of the township of Byram, is possessed and owner of one equal half of a forge and lot in said township, in fee simple, and that he is laboring under great affliction of body and mind, he being helpless and insane, and he has been so a long while, and that there is no hope of his recovery, and that he has now living a wife, viz: Electa Rose, and their four children, two sons and two daughters; and that the said Jacob contracted a debt whilst he was sane and capable so to do, with Andrew Rose, of six hundred dollars, which remains unpaid; that it will advance the interest of his wife and children, to sell the right and interest of the said Jacob, unto the forge and lot aforesaid, and apply the money to the payment of the debt due the said Andrew Rose; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Leport, be, and hereby is appointed a trustee to sell and convey the equal undivided half of the forge and lot aforesaid, for the best price that can be had for the same, and after deducting reasonable compensation for his time and expenses, pay the balance unto Andrew Rose, on the debt aforesaid, if the debt shall amount to the balance, if any surplus, unto the wife of the said Jacob, for her use and of her four children.

Trustee to sell certain lands.

Distribution of proceeds of sale.

Sec. 2. *And be it enacted,* That any deed of conveyance which the trustee, by this act, may make to any purchaser or purchasers, shall be as binding and effectual, and convey all the right and interest of the said Jacob, as fully as he might or could have done when he was of sane mind and memory.

Validity of deed.

Sec. 3. *And be it enacted,* That before the said John Leport, as trustee aforesaid, enters upon the duties of said trust, he shall enter into bond, with one or more sureties, to the governor of this state, in the sum of one thousand dollars, conditioned for the faithful performance of said trust, which bond shall be approved of by the Orphans' Court of the county of Sussex, and filed in the surrogates' office, for the use of all that may be concerned.

Bond to be given to the Governor.

Passed March 2, 1835.

**AN ACT for the sale of certain Real Estate of Stewart
Wilson, a lunatic.**

Preamble.

WHEREAS, it is represented to the legislature, that John Wilson, and Mary his wife, late of the township of Kingwood, in the county of Hunterdon, deceased, died seized of the homestead farm of the said John Wilson, situate in the township of Kingwood and Lebanon, in the said county, adjoining and bounded by lands late of Charles Coxe, deceased, of William Chandler, Daniel Kenney, Jacob M. Kline, John Grandin, John Aller, and Henry Aller, containing about two hundred and forty-four acres of land; and also, of certain out-lands in the said township of Kingwood, consisting of three parcels, the one lying on the road from Clinton to Flemington, containing about two hundred and twenty-five and a half acres of unimproved land; another parcel near thereto, containing about one hundred and sixty-two and a half acres of land, with improvements thereon, called the Vankirk place; and one other lot near the two former, containing about fourteen acres of woodland; the said three parcels altogether, containing about four hundred and two acres of land, called the Hill Tract; leaving Martha S. Wilson, Margaret S. Hunt, Mary C. Wilson, Ann, the wife of John Keephart, Sarah C. who hath since intermarried with Moses Hoyt, and Stewart Wilson, the only children and heirs at law; who, upon the decease of the said John Wilson and Mary his wife, became entitled to the said real estate, equally to be divided between them, share and share alike; that the said Stewart Wilson for several years past, hath been and still continues to be a lunatic, incapable of the government of himself or his property; that the expenses of his support and maintenance has exceeded the personal estate and rents and profits of the real estate to which he became entitled, on the decease of the said John Wilson, and Mary his wife; that for the purpose of raising a fund, the better to enable them to provide for the support of the said Stewart Wilson, the said Martha S. Wilson, Margaret S. Hunt, Mary C. Wilson, Moses Hoyt, and Sarah, his wife, John Keephart, and Ann, his wife; and the said Martha S. Wilson and Margaret S. Hunt, for and on behalf of the said Stewart Wilson, have agreed to, and caused a division of the said Hill Tract, to be made by Edward Welsted and William Chandler, and one-sixth part thereof to be set off to the said Stewart Wilson; and have agreed to sell to Sidney Yard, a part of said Hill Tract, called the Vankirk place, containing one hundred and seven acres, and sixty-four hundredths of an acre, including part of the lot so

set off to the said Stewart Wilson; and have also, agreed to sell to Jacob M. Kline, a lot of about twenty acres, being part of the said homestead farm, one undivided sixth part whereof, is the property of the said Stewart Wilson; that since the making of said sales, the said Moses Hoyt and Mary C. Wilson, have been appointed by the Orphans' Court of the county of Hunterdon, guardians of the said Stewart Wilson, and have given bond, with approved security, for the due performance of said trust; and it is desired, and is for his benefit, that the said division and sale so made, should be confirmed and carried into effect; and that the said guardians be authorized to sell and convey the residue of the lot set off to the said Stewart Wilson, in the said division of the said Hill Tract, and his undivided share of the residue of the homestead farm; and that the proceeds thereof, after payment of the debts incurred for his past maintenance, be placed at interest, under the direction of the Orphans' Court, to provide for his future support; AND WHEREAS, all the children and heirs of the said John Wilson, and Mary his wife, other than the said Stewart Wilson, and the guardians of the said Stewart Wilson, have united in a petition, praying for the passage of a law to this effect: Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the agreement made and entered into on the sixth day of October one thousand eight hundred and thirty three, between the said Martha S. Wilson and Margaret S. Hunt, Mary C. Wilson, Moses Hoyt and Sarah his wife, John Keephart and Ann his wife, and the said Martha S. Wilson and Margaret S. Hunt, for and on behalf of the said Stewart Wilson, authorizing Edward Welsted, William Chandler and David Hulsizer, or any two of them, to make a valuation and division of the said lands called the Hill Tract; and the report, made by the said Edward Welsted and William Chandler, bearing date on the fifteenth day of November one thousand eight hundred and thirty three, of the division of the said lands called the Hill Tract, between the children and heirs of the said John Wilson and Mary his wife, be, and they are hereby confirmed and declared to be valid and effective, as if the said Stewart Wilson had been of sound mind and concerned therein.

Division and valuation of lands confirmed.

Sec. 2. *And be it enacted*, That the said Moses Hoyt and Mary C. Wilson, the Guardians of the said Stewart Wilson, or the survivor of them, be and they are hereby authorized to make, execute and deliver to the said Sidney Yard, his heirs and assigns, a good and sufficient deed of conveyance, for all that portion of the lot so set off to the said Stewart Wilson, in the division of the said lands called the Hill

Guardians authorized to sell and convey certain lands.

Tract, which is included in the farm so agreed to be sold to the said Sidney Yard; and also to make, execute and deliver to the said Jacob M. Kline, his heirs and assigns, a good and sufficient deed of conveyance in fee simple for the said equal undivided sixth part of the lot so sold to the said Jacob M. Kline, upon the purchase money therefor being duly paid or secured to be paid to the said guardians.

Other lands directed to be sold

Sec. 3. *And be it enacted*, That the said Guardians or the survivor of them, be, and they are hereby authorized to sell and dispose of the residue of the said lot of land so set off, to the said Stewart Wilson, on the division of the said lands called the Hill Tract, and not included in the sale to the said Sidney Yard; and also to sell and dispose of the equal undivided sixth part, (belonging to the said Stewart Wilson) of the residue of the homestead plantation, late of the said John Wilson and Mary his wife, after deducting the lot so sold to the said Jacob M. Kline, either at public or private sale, as they may deem most for the interest of the said Stewart Wilson; and to make, execute and deliver, good and sufficient deeds of conveyance in fee simple for the same, to the purchaser or purchasers thereof, upon the purchase money therefor being duly paid or secured to be paid to the said guardians; all which said conveyances made in pursuance of this act, shall be as valid and effectual as if the said Stewart Wilson, had been of sound mind, and made, executed and delivered the same himself; and shall convey to and vest in the purchasers of said premises all the estate, right, title and interest which the said Stewart Wilson, now hath in the said premises so to be conveyed.

Accounts filed with Surrogate.

Distribution of proceeds of sale

Sec. 4. *And be it enacted*, That the said Guardians or the survivor of them, shall within three months after the execution of said deeds or any of them, respectively file in the Surrogates office of the county of Hunterdon, a just and true inventory of the moneys received and securities taken by them, for and on account of the purchase money of the premises so sold and conveyed; and upon receipt of said purchase moneys from the purchasers, the balance, if any remaining after payment of the debts of the said Stewart Wilson, and the necessary expenses of said sales, and such reasonable compensation as the Orphans' Court shall think proper to allow said guardians, for their services and expenses in executing said trust, shall be placed out at interest by the said guardians upon such security as shall be approved by the Orphans' Court of said county; and the said guardians, shall from time to time account to the said Orphans' Court for all said moneys and securities arising from the property of the said Stewart Wilson, and the interest and proceeds thereof, according to law.

Passed, March 2, 1835.

AN ACT to regulate the Fishing, at certain times of year, on the Passaic River, in the counties of Morris and Essex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons, to fish with any net, seine, fykes, cribs, or other device, across said river, between the Great Falls at Paterson, to the line of the Morris and Somerset counties, on said river, at any other time or season, except only between the fifteenth day of March, and the first day of May, yearly and every year; and any person so offending, shall forfeit and pay the sum of ten dollars for each and every such offence, to be sued for and recovered, with costs of suit, in an action of debt, by any person, before any Justice of the Peace of the county wherein such offence shall have been committed, one half of the forfeit money to be paid to the person prosecuting the same, and the remainder paid to the collector of the township wherein the offence shall have been committed, for the use of the township; *Provided*, that nothing in this act shall be construed or taken to prevent any person or persons from fishing with a hook and line, at any time of the year.

Times when
lawful to fish
with seine.

Penalty for vio-
lation of act.

Proviso.

Passed March 2, 1835.

A SUPPLEMENT to the act, entitled "An act to authorize the sale and conveyance of the Real Estate, late of Joseph P. Chamberlin, deceased."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the several powers and duties conferred upon, and required of, Hugh Smith, John S. Chamberlin, and Andrew Miller, or the survivors or survivor of them, by the act to which this is a supplement, be, and the same are hereby conferred upon, and required of any two of them, or of the survivor of such two, in case but two of them shall take upon themselves the execution of said powers, any thing in the said act to the contrary notwithstanding.

Two of the
trustees autho-
rized to act.

Passed March 2, 1835.

SUPPLEMENT to the act, entitled "An act to Incorporate the Lodi Mining Company, in the county of Bergen," passed February eighth, eighteen hundred and thirty-four

Directors responsible for debts of company

Proviso.

Capital stock not to be withdrawn.

Part of former act repealed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That for all debts which may at any time be due from said company, the directors thereof shall be responsible in their private capacity, and the property and estate of said corporation shall also be responsible; *Provided,* that nothing in the said act, shall be construed, to authorize or empower the said corporation, to use the funds of said corporation for any banking transaction; *And provided also,* that the said grant shall be subject to be altered, amended or repealed, at the pleasure of the legislature of this state; *And provided further,* that the said company within six months from the passing of this act, shall lodge a certificate, under the oaths of the president and secretary of said company, with the clerk of the county of Bergen, containing the amount of capital stock actually paid in, and belonging to said company; and the amount of capital stock thus certified, shall not be withdrawn, so as to reduce the same below the amount stated in said certificate; and if any part of the capital paid in, and certified as aforesaid, shall be withdrawn without the consent of the legislature of this state, the directors ordering, causing or allowing such withdrawal or reduction of capital, shall be liable, jointly and severally, as traders in company, for all debts due, or becoming due, subsequent to the reduction or diminution of the capital aforesaid.

Sec. 2. *And be it enacted,* That the eighth section of the act to which this is a supplement, be, and the same is hereby repealed.

Passed March 2, 1835.

AN ACT to incorporate the Yardleyville Delaware Bridge Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the capital stock of the Yardleyville Delaware

Baidge Company, for the purpose of erecting a bridge over the river Delaware, at the town of Yardleyville, in the county of Bucks, shall amount to twenty thousand dollars, with the privilege of increasing the same to thirty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in such proportions as the directors of the said company may determine.

Amount of capital stock.

Commissioners to receive subscriptions.

Stock forfeited on failure to pay instalments.

Proviso.

Style of corporation.

Powers and privileges.

Sec. 2. *And be it enacted,* That Edward S. Mc Ilvaine, James B. Green, Thomas L. Woodruff, William Scudder, William Howell, William Grant, Charles Parker, David Johnston and Israel Fish, be and they are hereby appointed commissioners, on the part of this state, who, with commissioners appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them may direct, giving notice thereof in two of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in two of the newspapers printed in the county of Hunterdon, in this state, for at least twenty days, of the times and places when and where the said subscriptions shall be received; and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company, shall from time to time direct and give public notice of, and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for, shall exceed the amount or number of shares authorized by this act to be subscribed for, that then, the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid.

Sec. 3. *And be it enacted,* That when three hundred shares are subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of the "Yardleyville Delaware Bridge Company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, and for

any less estate, such lands, as may be necessary in the erection of said bridge and suitable toll houses, and of suing and being sued.

Time and manner of electing officers.

Sec. 4. *And be it enacted*, That as soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice in two or more of the newspapers printed in the county of Bucks, Pennsylvania, and in the county of Hunterdon in this state, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes to be delivered in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be appointed, and may make such by-laws and regulations not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company; *provided always*, that no person shall have more than ten votes at an election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held, not exceeding ten.

Proviso.

Annual meeting of stockholders.

Sec. 5. *And be it enacted*, That the said stockholders shall meet on the first Monday in November, in every succeeding year, at such place as shall be fixed by the by-laws of said company for the purpose of choosing such officers for the ensuing year.

Stock to be issued and transferable.

Sec. 6. *And be it enacted*, That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person, or by attorney, subject however to the payments due, and that may grow due thereon, and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and the profits thereof, and to vote, as aforesaid, at the meetings thereof.

Five directors to be a quorum.

Sec. 7. *And be it enacted*, That the said president and directors shall meet at such times and places, and be convened in such manner, as shall be agreed on for transacting their business at such meetings, five members shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered

in a book, and a quorum being met, they shall have full power and authority to agree with, and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on the said bridge, and to complete the same, and fix their salaries and other wages; to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for all moneys that may be required; the same to be signed by the president or chairman, and countersigned by the clerk of the board; and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

Duties of directors.

Sec. 8. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of erecting the said bridge and toll houses, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the Justices of the Supreme Court of this state, not being a stockholder or otherwise interested, who, upon such application is hereby authorized and directed, to appoint three discreet and disinterested freeholders of this state, who after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge and toll houses, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements, so necessary to be taken as aforesaid, and shall report what sum shall be paid by the company for the same; which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them, and shall return the same, together with a map describing the metes and bounds of such lands and tenements, to the Supreme Court, next after they shall have agreed upon and signed the same; and the report having been confirmed by the said Supreme Court, shall be filed in the clerk's office of the said court, with the map aforesaid, and the president and managers, having paid the said owners, respectively, the several sums awarded to be paid to them in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each for every day employed in the said business, and their necessary expenses, the said company shall be

Proceedings when company and owners of land cannot agree on value of lands.

entitled to have and to hold, to them and their successors and assigns forever, the said lands and tenements, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon the said lands and tenements, and to commence and complete the erection of the said bridge.

Purposes for
which company
may enter on
lands, &c.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers and artists of every kind, to enter into and upon all lands and enclosures near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining stone, gravel or sand, necessary for the building of the said bridge; and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds, or sleighs, or beasts of burden or draught of any kind whatsoever; first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owner or managers, or superintendents, engineers or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side, and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away, any stone, gravel, sand or earth, most conveniently situated for making and repairing said bridge.

Annual statement of accounts
to be submitted
to stockholders.

Sec. 10. *And be it enacted*, That the president and directors of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the erection of said bridge and toll houses, and shall at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges, and expenses for effecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

Sec. 11. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware, at the

place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns forever; and the said company, their successors and assigns, may demand and receive toll from travellers and others, not to exceed the following rates:

Property of the bridge, vested in the company.

For every coach, landau, chariot, phaeton or other pleasureable carriage, with four wheels, drawn by four horses, the sum of sixty cents.

Rates of tolls.

For the same carriage with two horses, the sum of forty cents.

For every wagon with four horses, the sum of fifty cents.

For every carriage of the same description, drawn by two horses, the sum of forty cents.

For every chaise, riding chair, sulkey, cart or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-one cents.

For the same, with one horse, the sum of fifteen cents.

For a single horse and rider, the sum of ten cents.

For every led or driven horse or mule, the sum of five cents.

For every foot passenger, the sum of two cents.

For every head of horned cattle, the sum of three cents.

For every sheep or swine, the sum of half a cent.

Provided, all persons going to and returning from funerals, persons going to and returning from meeting or church, children going to and returning from school, and persons going to and returning from military trainings, shall pass free of toll; *provided also*, that in fixing the toll of all carriages, to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse; and the said company shall so erect the said bridge, as in no wise to injure, stop or interrupt the navigation of the said river or prevent boats or rafts, from passing, or persons from fording the said river.

Proviso.

Proviso.

Sec. 12. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break, or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever, belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending, shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof.

Penalty for injuring bridge.

Sec. 13. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge, than what are

Penalty for exacting unlawful tolls.

Proviso.

herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she, or they, so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one third thereof for the use of the poor of the township of Ewing, county of Hunterdon, in New-Jersey, and the other third for the use of the person who may sue, for the same; *Provided always*, that no suit or action shall be brought, unless within thirty days after such offences shall be committed.

Compensation
to owners of fer-
ries and fisheries
injured by
bridge.

Sec. 14. *And be it enacted*, That the said president and directors, shall give power to agree with any owner or owners of ferries or shad fisheries, that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case, the said damages shall be ascertained and paid, in the same manner as is provided for in the ninth section of this act; *Provided*, that no person shall receive any compensation for ferrying at any ferry, which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Semi-annual
dividends to be
made.

Sec. 15. *And be it enacted*, That the said president, directors and company, shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom, all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall on every first Monday in May and November, in each and every year, publish the dividend to be made of the said clear profits thereof, among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

Act not to take
effect till Penn-
sylvania passes
a similar law.

Sec. 16. *And be it enacted*, That this act shall not take effect, or go into operation, until the legislature of the commonwealth of Pennsylvania, shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments, as to the said company are hereby given.

Sec. 17. *And be it enacted,* That nothing in this act contained, shall be so construed as to authorize the said bridge company to exercise any banking privileges, or to the issuing notes in the form of bank notes, or to do any other thing than to erect a bridge over the river Delaware, with suitable toll houses, at the place designated in the first section of this act; and the legislature reserve the right of altering, amending, or annulling this charter whenever they think proper.

Exclusive objects of the company.

Passed March 2, 1835.

AN ACT to change the time of holding certain Courts in the counties of Bergen and Essex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Circuit Court, the Courts of Oyer and Terminer and General Jail Delivery, Courts of Common Pleas, Orphans' Courts, and Courts of General Quarter Sessions of the Peace, in and for the county of Bergen, heretofore, by law, directed to be held on the fourth Tuesday in October, shall hereafter be held on the third Tuesday of September, annually.

Time of holding courts in Bergen changed.

Sec. 2. *And be it enacted,* That the Circuit Court, the Courts of Oyer and Terminer and General Jail Delivery, Courts of Common Pleas, Orphans' Courts, and Courts of General Quarter Sessions of the Peace, in and for the county of Essex, heretofore, by law, directed to be held on the third Tuesday of September, shall hereafter be held on the third Tuesday in October, annually.

Time of holding courts in Essex changed.

Passed March 2, 1835.

AN ACT to incorporate "The New-Jersey Mining Company."

Preamble.

WHEREAS, Sherman Converse, of the city of New-York, by his petition to the legislature of this state, has set forth, that he, together with Edward I. Danforth, of Jersey City, in the county of Bergen, Daniel Stansbury, late of Bergen county and now of New-York, and George Bacon, of the city of New-York, are lessees of certain copper mines in the county of Bergen, and that the said petitioner expects that he will be able to work said mines with the assistance of such other persons, as have, or may associate with him for that purpose, provided, he can obtain an act of incorporation, so as to secure adventurers from other loss, than the property they may choose to adventure: **AND WHEREAS**, it will be for the public benefit, that the mines of this state should be worked—Therefore,

Style of incorporation.

Objects of incorporation.

Powers and privileges of company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Sherman Converse, Edward I. Danforth and George Bacon, with such others as are or shall hereafter become associated with them, be, and they with their successors and assigns, are hereby constituted a body politic and corporate, by the name of "The New-Jersey Mining Company," for the purpose of mining, smelting, manufacturing and vending ores, minerals, earths, and metallic substances of every description; and by that name, they and their successors and assigns shall be, and hereby are, authorized and empowered to purchase, take, hold, use, occupy, possess and enjoy, to them and their successors, any goods, chattels and effects of whatsoever kind they may be, the better to enable them to carry on such business to advantage; also to purchase, hold, use, occupy, possess and enjoy, any such lands, tenements or hereditaments, in the county of Bergen, in this state, as shall be necessary for the purposes of said corporation, not exceeding in the whole, three thousand acres, (unless the same be taken in payment of debts due the company) and the same to sell and dispose of at pleasure; or to take any lease or leases of lands in the county of Bergen, for mining purposes, for a term of years, also, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of judicature, and also of contracting and being contracted with, relative to the purposes and business for which this corporation is hereby created; and said corporation may have and use a common seal, and may alter the same at pleasure.

What real estate may be held.

Sec. 2. *And be it enacted,* That said corporation, shall have power to hold as mortgagee, any real estate, bona fide

mortgaged to the said corporation as security for the payment of any debts due, or become due in the course of their lawful business; and to proceed on said mortgages, for the recovery of the money, thereby secured, in the same manner as any mortgagee is or shall be authorized to do; and to purchase any real estate, sold by virtue of a judgment at law or equity, and hold and sell the same, notwithstanding it shall exceed, with the amount already possessed, three thousand acres.

Sec. 3. *And be it enacted,* That the capital stock of said corporation, shall not exceed two hundred and fifty thousand dollars; that a share of said stock shall be one hundred dollars, and shall be considered personal estate, and be transferable only on the books of said company, in such form as the directors shall prescribe; *provided*, that no transfer of any share or shares of said stock, shall be valid, until all debts due, from the holder or holders thereof, to the company, shall have been paid.

Amount of
capital stock.

Sec. 4. *And be it enacted,* That the stock, property, and affairs of the corporation, shall be managed by seven directors; one of whom they shall appoint their President; who shall hold their offices one year, who shall be stockholders and citizens of the United States; a majority of whom, shall at all times constitute a board for the transaction of business; who may make by-laws, and regulations not inconsistent with the laws of this state or of the United States for the proper management of the business of the company, and alter or repeal the same; the said directors shall appoint a treasurer; and may appoint and employ such other officers, miners, mechanics, or laborers, as may be necessary for transacting their business, and dismiss the same at pleasure; and in case of the death, resignation, or disqualification of the president, or any of the directors, they shall appoint another president from among themselves, or another stockholder, to be a director, as the case may be, to serve the remainder of the year; they shall declare dividends of profits only on each share of the capital stock, as often as the affairs of the company will permit, and cause the same to be paid to the stockholders, at such times and places, as they may think proper; they shall cause the books of the company to be opened for the inspection of any stockholder, at all reasonable times; they shall make a report of the accounts and business of the company, to the stockholders annually; they shall call an annual meeting of the stockholders, at some convenient place, at least ten days before their term of service as directors shall expire; they may call a meeting of the stockholders, at any time they shall think proper, by giving fifteen days notice of such meeting; they shall call in sub-

Powers and
duties of direc-
tors.

Stock forfeited
on failure to pay
instalments.

scriptions to the capital stock, at such times and places, and in such proportions, as the business of the company may require; *provided*, that no instalment shall be called for, so as to become payable within sixty days of the time when the preceding instalment fell due: *and provided also*, that if any stockholder shall neglect or refuse payment of such instalment or instalments, for the term of fifteen days after the same shall have become due and payable, due notice having been given, such negligent stockholder or stockholders, shall forfeit to said company, if they shall so choose, all his, her or their interest whatsoever in said stock.

Time and mode
of electing direc-
tors.

Corporation not
dissolved for
failure to elect
on day pre-
scribed.

Sec. 5. *And be it enacted*, That Sherman Converse, Edward I. Danforth, and George Bacon, shall be authorized to receive subscriptions to the capital stock of said company; and when five hundred or more shares of said stock shall have been subscribed, they shall call a meeting of the subscribers, at some convenient place in Jersey City, or in the city of New-York, giving each subscriber timely notice thereof; and the subscribers so assembled, or their proxies, shall proceed to elect by ballot, and by plurality of votes, each share being entitled to one vote, a board of directors from among themselves, who shall, within one week, organize themselves, and proceed with the business of the company, agreeably to the provisions of this act; in like manner the stockholders shall elect directors at their annual meeting, in each year, and do such other business as may be necessary; *provided*, that if the stockholders should not so meet and so appoint directors as aforesaid, this corporation shall not, for that reason, be dissolved; but a meeting of the stockholders may be held at any time thereafter within one year, for the choice of directors, the board having given due notice of the time and place of meeting; and the directors for the time being, shall hold their offices until new directors shall have been elected; *provided*, that the holders of a majority of the stock, shall constitute a quorum for the transaction of business.

Instalments to
be paid to Treas-
urer.

Sec. 6. *And be it enacted*, That all instalments upon the capital stock, shall be paid to the treasurer of the company, in such manner, and at such time and place as the board of directors shall prescribe; and all shares of the capital stock not taken up at the first meeting of the subscribers or stockholders, shall be offered for subscription only by order of the board of directors; and when any portion thereof shall be subscribed for, an instalment on each share so subscribed, equal to the amount paid on any share previously subscribed for, shall be immediately due and payable to the treasurer of said company; *provided*, that five dollars on each share of the capital stock which shall have been subscribed for at the first meeting of the stockholders, shall be due and payable to

the treasurer of the company, as soon as he shall have been appointed.

Sec. 7. *And be it enacted*, That no part of the capital actually paid in, at any time, shall be withdrawn, by a return of said capital, or any portion of it, to the stockholders, without the consent of the legislature of this state; and if any part of the capital so paid, shall be withdrawn without consent as aforesaid, the directors, allowing such withdrawal or reduction, shall be liable, jointly and severally, as traders in company, in case of insolvency of said corporation, at any period afterwards, for all debts owing by said corporation, at the time of, or subsequent to the reduction of the capital aforesaid; but any director who shall not consent to, and shall record his vote against such reduction, shall not be held so liable as a trader in company.

No part of capital stock to be withdrawn.

Sec. 8. *And be it enacted*, That the corporation hereby created, shall not use any part of their capital for banking operations, and that the legislature may alter, modify, or repeal this act, at any time hereafter, if in their opinion the public good may require it.

Act may be altered or repealed.

Passed March 3, 1835.

AN ACT to enable the owners and possessors of the Meadows and Low Lands adjoining Black River, in the township of Chester, in the county of Morris, to drain the same, and to straighten the channel of said River, within the limits therein mentioned.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of meadows and low lands, lying upon said river, between the bridge called Topping's Bridge, and the bridge on the road leading from Chester to Flanders, to meet together on the first Monday in May, annually, at two o'clock in the afternoon, and that the first meeting shall be held at the house of Mahlon Brown, in the said township of Chester, where the annual meetings shall be continued to be held (unless otherwise ordered by a plurality of votes of such owners

Time and mode of electing managers

and possessors, as shall attend;) and when met (by plurality of votes) to choose not less than three nor more than five managers, all of whom shall continue in office for one year, and until others are chosen.

Managers to
keep a book of
proceedings.

Sec. 2. *And be it enacted*, That the said managers shall procure a book to be kept by them, in which shall be recorded the proceedings of the several meetings of the owners and possessors aforesaid, and also the proceedings of the managers.

Managers to
cause meadows
to be surveyed.

Sec. 3. *And be it enacted*, That the managers, when appointed, or a majority of them, shall as soon as may be convenient, cause all the parcels of meadows, and low lands flowed, or which will be benefitted by clearing and straightening of the channel as aforesaid, to be surveyed; a draught or plot of the same to be made, showing the quantity held by each owner or possessor benefitted as aforesaid; which shall be kept and retained by the said managers during their continuance in office, a copy of which draught or plot shall be filed in the clerks office in the county of Morris, and upon the expiration of such time, shall be delivered by them to their successors in office; and which shall at all times thereafter, be received as evidence of each owner or possessors quantity or number of acres benefitted as aforesaid; and all assessments shall be made agreeably thereto.

Managers to
contract for con-
struction of
works.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said managers, or a majority of them, after giving twenty days notice of the time and place at which they will attend, by setting up advertisements, in five of the most public places in the towuship, then or thereafter, at their discretion, to put out by contract or sale, the construction of such works as are hereinafter described, for the draining of said meadows and straightening the channel of the river aforesaid.

Channel of the
river to be
cleared.

Sec. 5. *And be it enacted*, That it shall be the duty of the said managers, to clear out or cause to be cleared out, the channel of said river, from Topping's bridge to the mouth of Tanner's brook, twenty feet wide, and deep enough to carry off the waters freely; and from the mouth of Tanner's brook to the commencement of an old ditch, (which was authorized to be constructed by the Legislature, many years ago) and thence along the line of the said old ditch, to the aforesaid bridge on the Chester and Flanders road, the said channel and ditch shall be opened and cleared out twelve feet wide at the surface, nine feet wide at the bottom, and three feet deep.

Managers may
enter on adjoining
lands.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said managers, or any of them, or any person or persons employed by them as aforesaid, to enter upon the lands

lying upon the said Black river, within the limits aforesaid, and to open, dig, and clear out the same in manner aforesaid.

Sec. 7. *And be it enacted*, That it shall be the duty of the said managers, to assess such sum or sums of money, as shall be necessary to carry this law into effect, upon the lands held by each owner or possessor, in proportion to the number of acres owned or possessed by each, and benefitted as aforesaid, as ascertained by the survey hereinbefore directed; and shall and may demand and receive, of each and every of the said owners and possessors of such lands, such sum or sums so by them assessed; and on neglect or refusal of the payment thereof, for the space of sixty days after such demand, in writing, it shall and may be lawful for such managers, or either of them, and they are hereby required by action of debt, to sue for and recover the same, with costs of suit, in any court having cognizance thereof; all which sum or sums of money, so assessed, received and recovered, shall be applied by the managers, for the purpose before mentioned.

Manner in which expenses to be paid by owners of land benefitted.

Sec. 8. *And be it enacted*, That if any person or persons whatsoever, after the passing of this act, shall in any way fill up, stop, or obstruct the free course of the waters of said river or ditch, within the limits aforesaid, he or they so offending, shall forfeit the sum of twenty dollars, to be recovered in an action of debt, with costs of suit by said managers, in any court having cognizance thereof, to be applied to the purposes aforesaid.

Penalty for obstructing the course of waters

Sec. 9. *And be it enacted*, That the said managers, shall severally be entitled to receive for each day, he or they may be employed in discharging the duties required by this act, the sum of seventy-five cents.

Compensation to managers.

Sec. 10. *And be it enacted*, That the owners and possessors aforesaid, or a majority of them, may make such by-laws, rules and regulations, as to them shall appear needful and proper, for the completion and continuance of the object aforesaid; *provided*, they are not repugnant to the constitution and laws of this state, or of the United States.

Owners and possessors may make by-laws.

Passed March 3, 1835.

AN ACT to authorize Thomas J. Stryker and Joseph G. Brearley, executors of John S. Chambers, deceased, to fulfil a contract for the sale of a lot of land, made by the said John S. Chambers, deceased, with George Sweet and John Sweet.

Preamble.

WHEREAS, it appears that John S. Chambers, late of the county of Hunterdon, deceased, did in his life time contract and sell, by a certain written contract to George Sweet and John Sweet, a certain lot of land situated in the city of Trenton, in said county, now in the possession of the said George Sweet and John Sweet, and upon which they have erected two houses, stables, &c. and that the yearly interest arising from the amount of the purchase money has been regularly paid by the said George Sweet and John Sweet, and they have not yet received a deed for the same, all of which appearing just and reasonable; Therefore,

Executors authorized to convey certain lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Thomas J. Stryker and Joseph G. Brearley, executors of John S. Chambers, deceased, be, and they are hereby authorized and empowered, to make a deed of conveyance unto the said John Sweet and George Sweet, and to their heirs and assigns, for a certain lot of land in the city of Trenton, in the county of Hunterdon, and now in the possession of the said George Sweet and John Sweet, and which the said John S. Chambers, by a certain contract in his life time, agreed to convey unto the said George Sweet and John Sweet, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said lot of land, as if the same had been made and executed by the said John S. Chambers, in his life time.

Passed March 3, 1835.

AN ACT making a further appropriation for erecting and finishing the State Penitentiary.

WHEREAS, it appears from the report of the Commissioners appointed to erect a New Penitentiary, that a further appropriation is necessary for the purpose of going on with the work now in progress, and for the completion of the same—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That in addition to the amount which the Governor, or person administering the government of this state, has been heretofore authorized to draw in favor of the Commissioners appointed to build the New State Penitentiary, he shall be, and hereby is, authorized to draw in favor of the said commissioners, from any unappropriated money in the treasury of this state, the further sum of fifty thousand dollars, to be appropriated in conformity with the act of thirteenth February, eighteen hundred and thirty-three, toward building the Penitentiary, namely, another block of cells, corresponding in dimensions with the block now in progress, and after the same shall have been enclosed with a permanent roof, to finish as many of the cells, as in addition to the cells contained in the present new block, shall make one hundred and fifty cells.

50,000 dollars appropriated towards building new state Penitentiary.

Sec. 2. *And be it enacted,* That in case there should not be an amount of unappropriated money in the treasury of this state, sufficient to meet the drafts authorized by this act, it shall and may be lawful for the governor, or the person administering the government of this state, to borrow an amount of money to meet the appropriations as aforesaid, at a rate of interest not exceeding five per centum per annum, and to reimburse the same at any time not less than one year from the time of contracting the loan; and the governor, or person administering the government of this state, is hereby authorized and empowered to pledge the faith of this state, for the payment of the principal and interest of all moneys that may be borrowed as aforesaid.

Governor may borrow money at five per cent.

Passed March 3, 1835.

AN ACT authorizing Hannah Woolever, Administratrix of Peter J. Woolever, to convey certain Lands therein mentioned.

Preamble.

WHEREAS, it appears to the Legislature, that Peter J. Woolever, late of the township of Bethlehem, in the county of Hunterdon, deceased, in his life time, entered into a parol contract with Adam Woolever and Daniel Vliet, of the township of Greenwich, and county of Warren, to sell and convey to them, all the estate of the said Peter, in a certain farm, situate in the said township of Greenwich, adjoining lands of Peter Woolever, Philip Woolever, David Smith, William Kline and others, for thirteen hundred dollars, in three yearly payments: one hundred dollars of which purchase money, was paid to the said Peter in his lifetime; but that he departed this life, without making a conveyance; and Hannah Woolever, the administratrix of the said decedent, hath applied to the Legislature for the passage of a law, authorizing her to convey the said premises to the said purchasers, in fulfilment of said contract; Therefore,

Administratrix of Peter L. Woolever, authorized to convey certain lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Hannah Woolever, be, and she is hereby authorized, to make, execute and deliver, to the said Adam Woolever and Daniel Vliet, a good and sufficient deed of conveyance, in fee simple, for all the part, share or portion of said farm, whereof the said Peter Woolever died seized, upon the purchase money therefor, being paid, or secured to be paid, according to the terms of said contract; which deed shall convey to, and vest in the said purchasers, all the estate, right, title and interest, which the said Peter J. Woolever, at the time of his death, had in the said farm.

Account rendered to Surrogate and Orphans' Court.

Sec. 2. *And be it enacted,* That the said Hannah Woolever. shall, within three months after executing said deed or deeds, file in the Surrogate's office of the county of Hunterdon, a just and true inventory and account, of all the moneys received, and securities taken by her, for, or on account of the purchase money for said premises; and within one year thereafter, shall account to the Orphans' Court of the said county of Hunterdon, for the same, according to law; and shall pay and apply the nett proceeds of said sale, in a due course of administration.

Bond to be given to Governor.

Sec. 3. *And be it enacted,* That before executing said deed, the said Hannah Woolever shall enter into a bond, to the Governor of this state, with two sufficient sureties, to be approved of by the Surrogate of the county of Hunterdon, in such sum as he shall direct, conditioned for the faithful performance of the trust created by this act.

Passed March 3, 1835.

A SUPPLEMENT to the act, entitled "An act to establish the Peoples' Bank at Paterson," passed the eleventh day of December, A. D. eighteen hundred and twenty-four.

WHEREAS, it is represented, that much inconvenience is experienced from the provisions of a section of the act of incorporation, of the Peoples' Bank of Paterson, which requires that the President shall always be present at the discounting of notes, drafts or bills, by the discounting board; and that in case of his sickness or absence, a full quorum is required for said business; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be lawful for the directors of said company, or a majority thereof, to elect, by ballot, from among their number, a Vice President, who shall hold his office until the next legal election of officers in said company; and that annually thereafter, they shall elect such officer, at the time and in the manner of electing their President; and shall also, supply his place in the same manner.

A Vice-President to be elected.

Sec. 2. *And be it enacted,* That if on any regular discounting day of said company, the President shall be sick or absent from Paterson, any three of the directors, the vice-president being one of them, shall be deemed a competent board for the purposes of discounting, any thing in the fourth article of the twelfth section of the act to which this is a supplement, to the contrary notwithstanding.

Vice-President and three Directors may constitute a board.

Passed March 3, 1835.

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AN ACT to authorize Joseph Smith, Restore S. Lamb and John Chambers, to erect a dam and flood gates across the main north branch of Rancocas Creek.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Joseph Smith, Restore S. Lamb, and John Chambers, their heirs and assigns, to erect,

Dam author-
ed to be erect-
ed over main
north branch of
Rancocas creek.

Proviso.

Proviso.

and forever maintain a dam across the main north branch of Rancocas creek, at a point called the "Short Turns," where the said creek passes through their lands, in the township of Northampton, county of Burlington, about one mile above the confluence of the New Lisbon stream with said creek, as high as will hold a sufficient head of water, for carrying on a saw mill and other water works, which they, or any of them, may at any time hereafter see proper to erect; they, the said Joseph Smith, Restore S. Lamb, and John Chambers, their heirs and assigns, forever (if necessary) keeping in good order, sufficient gates and ways for the passage of lumber down said stream; *provided*, that nothing herein contained, shall be construed to prevent any person or persons from maintaining his or their action or actions, against the said Joseph Smith, Restore S. Lamb, and John Chambers, their heirs and assigns, for any damage they may sustain by reason of erecting said dam; *and also provided*, that in erecting the said dam, it shall not be construed or implied, that the said Joseph Smith, Restore S. Lamb and John Chambers, their heirs and assigns, shall have the right or power under this act, to overflow or retard the velocity of the water on the land of John Black, without his consent or his heirs and assigns.

Passed March 3, 1835.



AN ACT securing to Mechanics, and others, payment for their labor and materials in erecting any house, or other building, within the limits therein mentioned.

Buildings sub-
ject to payment
of costs, for work
manship or ma-
terials furnished.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all and every dwelling-house or other building, hereafter constructed and erected, within the limits of the township of Trenton, in the county of Hunterdon, and Nottingham, in the county of Burlington, in this state, shall be subject to the payment of the debts contracted for, or by reason of any work done, or materials found and provided by any brick-maker, brick-layer, stone cutter, mason, lime-merchant, carpenter, painter and glazier, iron-monger, blacksmith, plasterer, and lumber-merchant, or any other person or persons employed, or furnishing materials for, or in the erection and constructing such house or other building: but

if such house or other building should not sell for a sum of money sufficient to pay all the demands, for work and materials, over and above any prior claim on mortgage or judgment against any land owner, on the land on which said building or buildings may be erected, and prior to the erection of said building or buildings, then, and in such case, the same shall be averaged, and each of the creditors paid a sum proportioned to their several demands; *provided always*, Proviso. that no such debt for work and materials shall remain a lien on the said houses or other buildings longer than two years from the commencement of the building thereof; unless the claim be filed within six months after performing the work or furnishing the materials, in the office of the clerk of the Inferior Court of Common Pleas of the County where such building may be erected, as the case may be, and an action for the recovery of the same be instituted within one year after such work done, or materials found; and all claims for work done, and materials furnished, shall be filed within six months from the time that the materials were furnished and the work done, or be forever barred and excluded from the provisions and benefits of this act; *and provided also*, Proviso. that each and every person having received satisfaction for his or their debt, for which a claim shall be filed as aforesaid, or action brought as aforesaid, shall thereupon execute a release and discharge for the same, expressing therein the date of the entry of said lien in the clerk's office, of the county where such building is erected, and the amount thereof, and acknowledge the same before a judge of the inferior court of common pleas of the county where the same may be filed, which shall be sufficient authority for the clerk to enter satisfaction to the same, upon payment of costs.

Sec. 2. And be it enacted, That in all cases of lien created by this act, the person having a claim filed agreeably to the provisions hereof, may, at his election, proceed to recover it by personal action, according to the nature of the demand, against the debtor, his executors or administrators, or by scire facias against the debtor and owner or owners of the building, or their executors or administrators; and where the proceeding is by scire facias, the writ shall be served in like manner as a summons, upon the person or persons named therein, if they can be found within any of the said counties where such building is erected, or are resident therein; or if they cannot be found, or are not resident in either of said counties, by fixing a copy of the writ on the door of the building against which the claim is filed, and upon the return of service and failure of the defendant or defendants to appear, the court shall render judgment, as in other cases upon writs of scire facias; but if they, or either of them appear, such person or persons may plead and make defence, and the like proceed-

Proceedings in cases of lien created by this act.

ings be had as in personal actions for the recovery of debts ; and upon judgment being rendered thereupon, execution shall issue against the building or buildings and land upon which the same is erected, subject to all prior claims as aforesaid.

Remedy of journeyman or laborer, for nonpayment of wages.

Sec. 3. *And be it enacted*, That whenever any master or workman shall refuse to pay to any journeyman or laborer, employed by him, in the erection or constructing any house or other building, his wages, it shall be the duty of such journeyman or laborer, to give notice, in writing, to the owner or owners of such house or other building, of such refusal, and the amount due him or them, and so demanded, and the said owner or owners shall thereupon be authorized to retain the amount so due and claimed, by any such journeyman and laborer, out of the amount due by him or them to such master workman, and give notice to such master workman of such notice and demand, and if not liquidated and paid by such master workman, such owner or owners, on being satisfied of the correctness of such demand, shall pay the same ; and the receipt of such journeyman and laborer for the same, shall be a sufficient offset in the settlement of the accounts between such owner or owners of any house or other building, and such master workman.

Claims filed to designate the building.

Sec. 4. *And be it enacted*, That every claim to be filed as aforesaid, shall particularly designate the building for which the work therein to be mentioned, was done, or the materials, therein to be mentioned were found ; *And provided always*, that the provisions of this law shall not extend to include repairs done by any tenant on property rented by him, without the written consent of the owner thereof, that the same may be brought within the provisions of this act.

Buildings by contract exempted from lien

Sec. 5. *And be it enacted*, That whenever within any of the said townships, before named, any building shall be erected by contract, then, and in such case, payment according to such contract, by the owner or owners of the building, to the contractor or contractors, shall fully and entirely discharge such building from all lien, for work done and materials furnished ; *Provided*, the said contract be in writing, and filed as aforesaid, within sixty days after the same shall have been made and executed.

Passed March 3, 1835.

AN ACT to prevent the issuing and circulation of Small Notes for the payment of Money.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the fourth day of July next, it shall not be lawful for any person or persons, or body corporate, to make, issue, or put in circulation, or to pay away, pass, exchange, or transfer any note, bill, ticket or paper, purporting to be a bank note, or of the nature, character, or appearance of a bank note, of a less denomination than two dollars; and that from and after the first day of January, eighteen hundred and thirty-six, it shall not be lawful for any person or persons, or body corporate, to make, issue or put in circulation, or to pay away, pass, exchange, or transfer any note, bill, ticket or paper, purporting to be a bank note, or of the nature, character, or appearance of a bank note of a less denomination than three dollars; and that from and after the fourth day of July, eighteen hundred and thirty-six, it shall not be lawful for any person or persons, or body corporate, to make, issue, or put in circulation, or to pay away, pass, exchange, or transfer any note, bill, ticket, or paper, purporting to be a bank note, or of the nature, character, or appearance of a bank note, of a less denomination than five dollars.

Prohibition of issuing bank notes under five dollars.

Sec. 2. *And be it enacted,* That any, and every person and persons, and body corporate, their officers, agents, or servants, offending against any of the provisions of the first section of this act, shall forfeit and pay, for every such offence, the sum of five dollars, to be recovered by any person suing for the same, as debts of like amount are by law recoverable.

Penalty for violating this act.

Sec. 3. *And be it enacted,* That no such note, bill, ticket, or paper, mentioned in the first section of this act, shall be held or taken to be void, or of no effect, by reason thereof; but all suits and actions may be brought and sustained on such note, bill, ticket, or paper, any thing herein contained to the contrary notwithstanding; and in such suits or actions, if the same shall be determined in favor of the plaintiff, judgment shall be rendered for the principal sum due on such note, bill, ticket, or paper, together with interest and cost.

Notes under five dollars not void.

Sec. 4. *And be it enacted,* That any, and every person or persons, and body corporate, their officers, agents, or servants, offending against the provisions of the first section of this act, by putting in circulation, paying away, passing, exchanging, or transferring any such note, bill, ticket, or paper, as is mentioned in said section, issued, or purporting to be

Penalty for offences.

issued, by any banking company, or other institution, body corporate, or politic, or individual, of any other state, shall for every offence, forfeit and pay the sum of fifty dollars, to be recovered in manner aforesaid.

Former act repealed.

Act to be published in every county.

Sec. 5. *And be it enacted*, That the act, entitled "An act concerning small notes for the payment of money," passed the nineteenth day of February, eighteen hundred and thirty, be, and the same is hereby repealed; and that it shall be the duty of the secretary of this state, to cause this act to be published immediately after its passage, in at least one newspaper in each county in which a newspaper may be published, and continue therein four weeks, successively, once in each week; and four weeks, successively, once in each week next preceding the fourth day of July next; and also, to forward a copy of this act to each of the clerks of the respective courts of Common Pleas, in the several counties in this state, to be by him put up in his office.

Passed March 4, 1835.



A SUPPLEMENT to an act, entitled "An act abolishing Imprisonment for Debt in certain cases," passed February nineteenth, one thousand eight hundred and thirty.

Provisions of former act's extended to all cases of commitment

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all the provisions and privileges of the act to which this is a supplement, shall be construed, as extending to all cases of commitment into the custody of a sheriff, or other officer, upon surrender in discharge of bail or otherwise, in any civil action, whether before or after judgment, any law, usage, or custom, to the contrary notwithstanding.

Passed March 4, 1835.

AN ACT to provide for the gradual increase of the State Library.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the sum of two hundred dollars, in each and every year, during the term of ten years, be, and the same is hereby appropriated for the gradual increase of the state library.

Two hundred dollars appropriated annually for increase of library.

Sec. 2. *And be it enacted,* That the said sum of money shall be annually disbursed by the state Librarian, for the purpose aforesaid, under the direction of the Governor of the state, for the time being.

Money expended under the direction of the Governor.

Passed March 4, 1835.

AN ACT to repeal an act, entitled "An act to enable the owners of a certain swamp and low lands, near Abraham P. Bogart's, at Maucapin, township of Pompton, in the county of Bergen, to open the outlet, and drain the same."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the act entitled "An act to enable the owners of a certain swamp and low lands near Abraham P. Bogart's, at Maucapin, township of Pompton, in the county of Bergen, to open the outlet and drain the same," passed the eleventh day of February, in the year of our Lord one thousand eight hundred and thirty-four, be, and the same is hereby repealed.

Former act repealed.

Passed March 4, 1835.

A SUPPLEMENT to an act, entitled "An act to incorporate the Alexandria Bridge Company."

Commissioners
to take subscrip-
tion for stock.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Hart Johnson, John E. Forman, John Thompson, John Bloom and William Vanderbilt, of the county of Hunterdon, in this state, be, and they are hereby appointed commissioners on the part of this state, in the room and stead of the commissioners named and appointed in and by the first section of the act to which this is a supplement, and that the said commissioners in conjunction with the commissioners appointed, or that may be appointed by the legislature of the Commonwealth of Pennsylvania, for the same purpose, be, and they are hereby authorized to open books and receive subscriptions to the capital stock of the said "The Alexandria Bridge Company," and to do all other acts authorized and required by the said act, to which this is a supplement, by the said commissioners therein named, in such manner and form as is directed by the said act.

Time for com-
pletion of bridge
extended.

Sec. 2. *And be it enacted,* That the said act entitled "An act to incorporate The Alexandria Bridge Company," passed the third day of February, one thousand eight hundred and twelve, be and the same is hereby revived; and that the time therein limited for the completion of the said bridge thereby authorized to be erected over the river Delaware, be, and the same is hereby extended to the term of ten years from the passing of this act; *provided nevertheless,* that this act shall not take effect until the legislature of the Commonwealth of Pennsylvania shall have passed an act to the like effect.

Restrictions on
power of the
company.

Sec. 3. *And be it enacted,* That nothing in this act or in the act to which this is a supplement, shall be construed as authorizing the company to exercise any banking, insurance or trust privilege, or to do any other thing than to erect, complete and maintain a bridge at the place designated in the second section of the act to which this is a supplement; and collect the tolls arising therefrom, and distribute the same among the stockholders and such things as may be necessary for the purpose of carrying these powers into effect.

Passed March 4, 1835.

AN ACT to defray Incidental Charges.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Treasurer of this state, to pay the several persons, hereinafter named, the following sums :

Certain incidental charges directed to be paid

To John R. Smith. for nails, glass, putty, and tacks, for the state, eleven dollars and thirty cents.

To John R. Smith, for nails and paints for state, nine dollars and two cents.

To Henry Parker, for making lever sealing press for clerk of Supreme Court, and fixing on new door-locks and repairing old locks at the government house, twenty-eight dollars and thirty-one cents.

To Charles C. Yard, for pencils, brushes, and needles, for the state, three dollars and ninety-eight cents.

To Daniel H. Combs, for cleaning Supreme Court room, repairing windows, five dollars and twelve and a half cents.

To R. H. Shreve & Co., for two empty hogsheads, and carpet binding, three dollars and fifty cents.

To John Voorhees, for soap, liven, muslin and binding, three dollars and ninety-two cents.

To Thomas J. Combs, for work on state-house, fourteen dollars and seventy-five cents.

To the President and Directors of the State Bank at Trenton, for one year's rent of banking house for the use of state arms, one hundred dollars.

To William Hancock, for stoves and pipe, for Secretary's Office and Supreme Court Room, one hundred and twenty-nine dollars and five cents.

To William Currey, for sand, brooms, and vinegar, one dollar and eighty cents.

To George Miller, for candles and brooms, twenty-three dollars and twenty-seven cents.

To Joshua S. Anderson, for eight cords of hickory wood for state-house and arsenal, forty-eight dollars.

To Enoch W. Green, for repairing fence on government lot and work on ice house, five dollars and twenty-five cents.

To John R. Smith, for sixteen penknives and oil stone, for members of council, eight dollars and twenty-five cents.

To Thomas Combs, for cleaning Assembly Room, and making and putting down the new carpet fifty-five dollars.

To Charles Cain, for furnishing and putting in glass in the government house, sixty-seven cents,

To D. Fitz Randolph, for printing three hundred copies of Col. J. W. Scotts' revision of the Orphans' Court system, authorized by a resolution of the House of Assembly, of

twenty-first February, eighteen hundred and thirty-four, two hundred and ninety-four collars.

To E. A. Douglass, engineer, in making an examination of the Delaware river, by direction of the commissioners, and Ashbel Welch, his assistant, and expenses, one hundred and one dollars.

To John M. Sherrard, for seventeen days services as one of the commissioners appointed under the authority of the legislature of New-Jersey, to meet commissioners of Pennsylvania, on the subject of the waters of the Delaware river, mileage and expenses included, one hundred and thirty dollars.

To Garret D. Wall, for fifteen days services, as one of the commissioners as aforesaid, one hundred and six dollars and fifty cents.

To P. I. Stryker, for seventeen days services, as one of the commissioners as aforesaid, one hundred and thirty dollars,

To Blackfan & Wilkinson, for five cords of hickory wood, furnished the State-house and Arsenal, thirty dollars.

To J. & B. Orne, for carpeting and binding for Assembly room, two hundred and ninety-nine dollars.

To William McKee, for sundries, for state, five dollars and fifty cents.

To Governor P. D. Vroom, for postage on letters concerning the state, up to this time, twenty-four dollars and eighty-six cents.

To Richard Reding, for sawing and splitting seven cords of wood for state-house, seven dollars.

To Joseph Scott, for mason work on Government House, ten dollars and fifty-six cents.

To Benjamin F. Vancleve, for grate, soap stone and fire brick, bought for Government House, nine dollars.

To Sires Smith, for cleaning and carting water to state-house, seven dollars.

To George Miller, for ten pounds of sperm candles, three dollars and fifty cents.

To Thomas Combs, for purchasing and putting up coal, one dollar and seventy-five cents.

To Andrew Allison, for brick, soap-stone, and block of polished marble, eight dollars and seven cents.

To Daniel Childs, for carpenter work, repairing desks and making spit-boxes for state-house, fourteen dollars and one cent.

To William Kerwood, for making three framed window blinds with circular heads, fifty four dollars, repairing five window blinds, five dollars; covering tables and speaker's desk with cloth, including brass nails, two dollars; making aggregate amount sixty-one dollars.

To William Robinson, for repairing and cleaning state arms, one hundred and thirty-one dollars and seventy-one cents.

To C. B. Howell, for bill for sundries, three dollars and ninety-six cents.

To R. Sterling, for sperm candles, rattinet, manilla rug and other articles for state, twenty-three dollars and twenty-five cents.

To James D. Westcott, for cash paid sundry individuals for carting gravel, furnishing lime, and other services rendered, for which no compensation is fixed by law, thirty-four dollars and nineteen cents.

To Hammitt, Hutchinson & Weart, for hire of horses and wagon, to move gun-boxes from state-house to state bank, and hack and horses, by prison committee, five dollars.

To the committee appointed by the legislature, to examine the state prison of the state of Pennsylvania, fifty-three dollars and sixty-three cents.

To Blackfan & Wilkinson, for bill of boards, furnished for state house, thirty three dollars and fifty-four cents.

To John Wilson, for glass and setting, in state house, one dollar and seventy-six cents.

To John Noble, for hack hire, going to and returning with members of council to view prisoners, two dollars.

To Andrew Newton, for window glass and setting, for state house, three dollars and forty-nine cents.

To Sutphin Garrison, for one of the committee, to investigate the affairs of the Farmers' and Merchants' Bank of New-Brunswick, nineteen dollars and fifty cents.

To Charles Parker, treasurer, for postage, twenty-three dollars and twenty-two cents; expenses going to, while at, and returning from Philadelphia, six times, and to Newark once, on business for the state and school fund, thirty-eight dollars; horse hire and expenses going twice to Bordentown, on business with the rail road company, three dollars; tow cloth and twine for bales to put up votes and proceedings for the several counties, four dollars and fifty cents; for taking Harrison's Compilation to the state-house, fifty cents; also paid, William Crossley, for Lehigh coal, per bill, fifty-five dollars; Samuel Scattergood, per bill, for work at state-house, six dollars; John Wilson, for painting fence, &c. per bill, sixty-six dollars and twenty-one cents; Ezekiel Howell, for white-washing at state-house, six dollars and eighty-seven cents; John Red, for cleaning state-house, three dollars and eighty-seven cents; Charles B. Howell, for tinning fence at state-house, nine dollars; Liscomb R. Titus, for green cloth to cover tables, three dollars and seventy-five cents; Ralph Green, for carpenter work, eighty-four dollars and sixty-three cents; James Close, for fringe, two dollars and ninety-five cents; Richard P. Thompson, for book for record of votes and proceedings, seventeen dollars and fifty cents; sundry persons for charcoal, twenty-one dollars and twelve cents; Ferth & Hele, for stationary, twenty nine dollars and fifty

cents; making an aggregate of three hundred and seventy-five dollars and sixty-two cents.

To Richard Reading, for splitting wood which remained on hand of last year, one dollar.

To A. S. Vandeursen, for recording the report of the keeper of the state-prison, twenty-two dollars.

To Robert E. Hornor, for furnishing newspapers up to this date, twenty-nine dollars and sixty-two cents.

To George Sherman, for printing, as per account rendered up to this time, fifty one dollars and thirty seven cents.

To John McCready and Lewis R. Stelle, for printing votes and proceedings, of eighteen hundred and thirty-three and eighteen hundred and thirty-four, one hundred and eighty nine dollars, as per resolution, which passed the lower house this day.

To Benjamin Hamilton, for one of the committee to investigate the affairs of the Farmers' and Mechanics' Bank of New Brunswick, thirty-five dollars and forty cents.

To C. L. Hardenburgh, for one of the committee to investigate the affairs of Farmers' and Mechanics' Bank of New Brunswick, nine dollars.

To Abraham Lydecker, for one of the committee to investigate the affairs of the Bank aforesaid, twenty-four dollars.

To Joseph Justice, for printing public acts of last session, three hundred and thirty dollars and seventy-five cents; for his printing first sitting and vacation, and articles furnished the state, one hundred and twenty-three dollars and fifty cents; for his printing account of the present sitting, and articles of stationary, including all his printing, up to the time of presenting his bill, three hundred and sixteen dollars and twenty-five cents; aggregate amount, seven hundred and seventy dollars and fifty cents.

To A. Parsons, for one of the committee to investigate the affairs of the Farmers' and Mechanics' Bank of New Brunswick, twenty-seven dollars.

To Isaac Combs, junr. for services as constable, in serving subpoenas in the case of the New-Hope Delaware Bridge Company's charter, three dollars.

To Joseph Sailor, for printing votes and proceedings of Provincial Congress, and authority of Joint Resolutions of the Legislature, when delivered to the treasurer, three hundred and forty-eight dollars seventy-five cents.

Passed March 4, 1835.

AN ACT to ratify and confirm a certain Arrangement therein named.

WHEREAS, the Delaware and Raritan Canal Company, in compliance with the desire of the city of Trenton, as expressed by a town meeting of its citizens, on the ninth day of February, A. D. one thousand eight hundred and thirty-three, and by a vote of the Common Council thereof, on the eighteenth day of March, A. D. one thousand eight hundred and thirty-three, consented to construct moving bridges over their feeder, where it crosses the streets of said city; **AND WHEREAS**, in consequence of the manner in which said feeder crosses Spring, Willow, and Chancery streets in said city, (occasioning a great inconvenience in the construction of bridges of the above description, over said streets as they now run,) the Canal Company presented to the Common Council of said city, a proposition in relation to said streets and bridges, as follows, to wit: to excuse the company from building a bridge over Chancery street, and to authorize them to alter the course of said street, so as to lay it along the south-east side of the feeder, from its junction therewith to Willow street; and likewise, to allow them so to construct the bridge at the junction of Spring and Willow streets, as that one bridge may serve for both streets, and to alter the course of Spring street, by laying it along the north-west side of the feeder, from its junction therewith to Willow street; which proposition, the said Common Council did approve, and so far as their authority went, did consent to, by resolution, passed the fifteenth day of April, A. D. one thousand eight hundred and thirty-three; **AND WHEREAS**, in execution of said proposition, streets have been laid by due course of law, one along the south-east side of the feeder, from Chancery street to Willow street, and the other along the north-west side of the feeder, from Spring street to Willow street, by which the plan, so far as was in the power of the company, has been carried out; **AND WHEREAS**, no other authority than the legislature can release the company from the obligation under the sixteenth section of the act of incorporation, to construct bridges over public roads; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Delaware and Raritan Canal Company be, and they are hereby excused, released, and exempted from constructing, and keeping up a bridge over their feeder, where it crosses Chancery street, in the city of Trenton; and that a single bridge at the junction of Spring and Willow

Agreement between Trenton city and Delaware and Raritan Canal Company confirmed.

streets, in the said city, to answer for both Spring and Willow streets, crossing from said Willow street, to the street connecting the said Spring and Willow streets, shall be considered a full compliance with the obligation of said company, under the said sixteenth section, in relation to the said Spring street, and the said Willow street; *provided*, that the said company shall always keep said bridge, and the said streets leading from Chancery street to Willow street, and from Spring street to Willow street, in good condition and repair; and said streets are hereby declared to be henceforth incapable of vacation.

AND WHEREAS, although that part of the western end of Chancery street, which is cut off by said feeder, is only a few feet in length, and entirely useless as a public road, yet it is doubtful whether the same can be vacated by the surveyors of the highways, in consequence of the twenty-eighth section of the act concerning roads, passed the ninth day of February, A. D. one thousand eight hundred and eighteen; Therefore,

Part of Chancery street vacated

Sec. 2. *And be it enacted*, That that part of Chancery street, lying to the westward of the feeder of the Delaware and Raritan Canal, be, and the same is hereby declared vacated.

Passed March 4, 1834.

A FURTHER SUPPLEMENT to the act, entitled "An act concerning Landlord and Tenants."

Goods removed by execution not to be sold till rent is paid.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That if any goods and chattels, lying or being, or which shall lie, or be in, or upon any messuages, lands, or tenements which are, or shall be leased for term of life or lives, year or years, at will or otherwise, shall be taken by virtue of any execution, and removed off said premises, the same shall not be sold by the constable or officer so taking and removing the same, until ten days after such removal, and then not unless the plaintiff or party, at whose suit such goods or chattels are taken on execution, shall, before the sale thereof, by virtue of said execution, pay to the landlord of

the said premises, or his, or her bailiff, all and every such sum or sums of money, as are, or shall be due for rent, for the said premises, at the time of said sale; *provided*, the same do not exceed one year's rent; and in case the said arrears shall exceed one year's rent, then the said party, at whose suit execution is sued out, paying the said landlord, or his or her bailiff, one year's rent, may proceed to execute his judgment as he might have done before the passing of this act; *pro- Proviso.*
vided, the landlord or his bailiff, shall, before the expiration of the said ten days, from the time of said removal, give notice to the constable or officer holding such execution, of the amount of the rent in arrear, and claim the same; which notice may be served by delivering the same to said officer, or leaving a copy thereof at his usual place of abode.

Sec. 2. *And be it enacted*, That no such goods and chattels shall be removed off said premises by said constable or officer, but openly and in the day time, and then not unless the constable or officer, shall, at the time of removing the said goods and chattels, give notice thereof, to the defendant, or in his absence, to some person of his family, residing on said premises, of the removal of said goods and chattels. Goods not to be removed by officer in night time.

Passed March 4, 1835.

AN ACT to raise the sum of forty thousand dollars for the year one thousand eight hundred and thirty five.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That there shall be assessed, levied, and collected, on the inhabitants of this state, their goods, moneys, and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and thirty-six. Forty thousand dollars tax to be raised.

Sec. 2. *And be it enacted*, That the said sum of forty thousand dollars, shall be paid by the several counties of this state, in the proportion following, that is to say:— Proportions of the Counties.

The county of Bergen, shall pay the sum of two thousand five hundred and ninety-nine dollars and eighty-four cents.

The county of Essex, shall pay the sum of three thousand eight hundred and twenty-two dollars and four-cents.

The county of Middlesex shall pay the sum of three thousand two hundred and fifty-three dollars and thirty-six cents.

The county of Somerset, shall pay the sum of two thousand six hundred and forty-two dollars and eighty-six cents.

The county of Sussex, shall pay the sum of two thousand and twenty-five dollars and seventy cents.

The county of Morris, shall pay the sum of three thousand one hundred and thirty-six dollars and two cents,

The county of Warren, shall pay the sum of two thousand one hundred and eighty-five dollars and fifty cents.

The county of Monmouth, shall pay the sum of three thousand seven hundred and twenty-three dollars and sixty-eight cents.

The county of Hunterdon, shall pay the sum of four thousand five hundred and thirty-five dollars and eighty-four cents.

The county of Burlington, shall pay the sum of four thousand three hundred and seven dollars and twelve cents.

The county of Gloucester, shall pay the sum of three thousand three hundred and seventy-nine dollars and twenty six cents.

The county of Cumberland, shall pay the sum of one thousand five hundred and eighty-six dollars and eighteen cents.

The county of Salem, shall pay the sum of two thousand one hundred and fifty six dollars and sixty cents.

The county of Cape May, shall pay the sum of six hundred and forty-six dollars.

Enumeration of
articles taxed at
specific sums.

Sec. 3. *And be it enacted*, That the assessors of the several townships of this state, to raise the sum of forty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums :

Every covering horse above three years old, any sum not exceeding ten dollars, to be paid by the person where the horse is kept; all other horses or mules, three years old and upwards, any sum not exceeding six cents; all neat cattle, three years old and upwards, any sum not exceeding three cents.

Enumeration of
articles taxed at
discretion of as-
sessor.

Sec. 4. *And be it enacted*, That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things, shall be valued and rated at the discretion of the assessor, to wit :

All tracts of land, any sum not exceeding one hundred dollars by the hundred acres; *provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

All householders, (under which description shall be included all married men) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars over and above their certainties and other estate made ratable by this act.

All merchants, shop-keepers and traders, any sum not exceeding ten dollars,

All fisheries, where fish are caught for sale, any sum not exceeding ten dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding thirty dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, not exceeding eight dollars.

All forges that work pig iron, and forges and bloomeries that work bar iron, immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills, any sum not exceeding nine dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan-yards, where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars; *provided*, that every

single man possessed of a ratable estate, the tax whereof amounts to the sum above directed to be rated, shall be assessed for that estate only; *and provided also*, that any one taxed as a single man, shall not be taxed as a householder.

Every male slave, under the age of sixty years, any sum not exceeding one dollar; *provided*, no slave shall be taxed who is unable to labor.

All distilleries, used for distilling spirits from rye or other grain, or molasses, or other foreign materials, any sum not exceeding thirty-five dollars.

All other distilleries, used for distilling, any sum not exceeding ten dollars; having due regard to the size, capacity and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee or four wheel chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four horse stage wagon, any sum not exceeding five dollars.

Every two horse stage wagon, any sum not exceeding two dollars and fifty cents.

Every covered wagon, with a frame or fixed top, any sum not exceeding one dollar.

Every two horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulkey or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon with steel, iron or wooden springs, any sum not exceeding seventy-five cents,

Every printing, bleaching and dying company, any sum not exceeding ten dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Duty of assessor Sec. 5. *And be it enacted*, That it shall be the duty of every assessor, to make and carry out in his tax book, and the duplicate thereof, a fair valuation of all the real estate made liable by law; having regard to the yearly rent and value thereof; and that the amount of tax assessed in each township, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing and penalty for neglect. Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars, shall be assessed, levied and collected, in the same manner prescribed in the act, entitled "an act concerning taxes," passed the tenth day of June, in the year

one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties, imposed by said act; and the assessors, collectors and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation, allowed by the before recited acts.

Passed March 4, 1835.

AN ACT to authorize Josiah Brick, to sell Real Estate, in the County of Gloucester.

WHEREAS, it is represented to the legislature, that John Borden, late of the county of Gloucester, died intestate, and without issue, leaving certain real estate, in said county, which was, after his death, divided by commissioners, among the brothers and sisters of said deceased, his heirs at law; **AND WHEREAS**, in the said division, fifteen acres and a quarter of said real estate, was assigned and set off to the heirs of James Borden, a brother of said intestate, to wit: Clement, John, and Mary Borden, who are all minors; **AND WHEREAS**, it is represented that the said real estate, so allotted to the said minors, in its present state, is almost useless and unproductive, without fences and untenable, and that if sold, and the money invested upon safe security, would be greatly advantageous to the interests of the said minors; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Josiah Brick, be, and he is hereby authorized to sell, at public vendue, the said real estate, above mentioned and set forth, first giving three months notice of the time and place of sale, by advertisements, in five of the most public places of the said county of Gloucester, and to make, execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed or deeds, for the same, which shall vest in the said purchaser, all the estate of the said minors, in and to the said real estate.

Lands of the heirs of John Borden authorized to be sold.

Bond to be given
to the Governor.

Sec. 2. *And be it enacted,* That the said Josiah Brick, before he makes sale of the said land, or any part thereof, shall enter into bond, to the Governor of this state, in such sum and with such security, as the Orphans' Court of the county of Gloucester, shall direct and require, with condition faithfully to perform the duties enjoined by this act, and truly account for the amount of the sales of said real estate.

Investments of
proceeds of
sales.

Sec. 3. *And be it enacted,* That the said Josiah Brick, shall invest the proceeds of such sale at interest, upon bond and with mortgaged security, there to remain until the children shall arrive of age, and to be paid to them as they do severally attain the age of twenty-one, in equal shares of one third each.

Passed March 4, 1835.

A FURTHER SUPPLEMENT to an act, entitled "A supplement to an act to authorize John Den, of the county of Salem, to shorten the navigation of Salem Creek, by cutting a Canal.

Operation of for-
mer act sus-
pended.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the operation of the fifth section of the act, entitled "An act to authorize John Den, of the county of Salem, to shorten the navigation of Salem Creek, by cutting a canal," shall be suspended for the term of five years, from and after the passing of this act.

Time of comple-
tion of Canal
extended.

Sec. 2. *And be it enacted,* That if the representatives of the said John Den, or any other person or persons, legally interested in the premises, shall, at any time within the said period of five years, so widen, deepen and enlarge the canal dug by the said John Den, in his life time, by virtue of the act aforesaid, so as to give as full vent to the waters of the said Salem Creek, (or Fenwick River,) as the said Creek formerly had, before the building of the bridge by the said John Den, over said Creek, and obstructions made therein; and that when the said representatives, or other persons, legally interested, shall have deepened, widened and enlarged the said canal, and shall have obtained a certificate from the cho-

sen freeholders of the townships of Mannington and Lower Penns-Neck, or a majority of them, that the same is completed, and sufficient for the purposes aforesaid, (due notice being given in three of the most public places of said townships, and published in a newspaper in said county, if any, and if not any, then in a newspaper published in the nearest county, for the space of four weeks, of the meeting of the said chosen freeholders, for the purpose aforesaid: and which certificates shall be first filed in the clerk's office, of the county of Salem) it shall and may be lawful for the representatives of the said John Den, their heirs, assigns, or any other person or persons, legally interested in the premises, to stop the said creek at the place where the bridge has been erected, as heretofore authorized by the fifth section of the act aforesaid, passed November sixth, eighteen hundred and eighteen.

Passed March 4, 1835.



AN ACT to authorize the holding Special Terms of the Supreme Court.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Judges of the Supreme Court of this state, to hold a special term of said Court, for the despatch of business, at least once in every year, to be held at such place, and upon such notice, and under such regulation, as the said Court shall direct.

Supreme Court
authorized to
hold special
terms.

Passed March 4, 1835.

AN ACT to authorize Abraham P. Atkinson, Guardian of Margaret D. Corlies, Lydia Corlies, Joseph B. Corlies, Elizabeth Corlies, and Ann-Aliza Corlies, to sell certain Real Estate, in the county of Monmouth.

Preamble.

WHEREAS, Margaret D. Corlies, Lydia Corlies, Joseph B. Corlies, Elizabeth Corlies, and Ann-Eliza Corlies, infant children of Timothy Corlies, late of the city of Trenton, deceased, are the owners, in fee, of three several tracts or parcels of land, in the county of Monmouth, in this state; which descended to them from their grand father, Richard Davis, formerly of the township of Shrewsbury, in said county; **AND WHEREAS**, it hath been represented to the legislature, that the interest of the said infants would be greatly promoted by a sale of the said real estate, and the investment of the proceeds thereof, for the benefit of said infants, until they severally attain the age of twenty-one years; **AND WHEREAS**, Abraham P. Atkinson, the guardian of the said infants, hath, by his petition, prayed for legislative aid in the premises; and the prayer of the said petitioner appearing to be reasonable and proper; **Therefore,**

**A. P. Atkinson
authorized to sell
certain lands of
Wards.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Abraham P. Atkinson, guardian of the said Margaret D. Corlies, Lydia Corlies, Joseph B. Corlies, Elizabeth Corlies, and Ann-Eliza Corlies, be, and he is hereby empowered to make sale of all and singular, the real estate, of the said Margaret D. Corlies, Lydia Corlies, Joseph B. Corlies, Elizabeth Corlies, and Ann-Eliza Corlies, in the county of Monmouth, which descended to them from their grandfather, the said Richard Davis, deceased, in the manner, and upon giving such notice of the said sale or sales, as is required by law, in case of sales of real estate, by executors or administrators, by virtue of an order of the Orphans' Court; and good, legal and sufficient deed or deeds therefor, to make in his name, as guardian as aforesaid, to any purchaser or purchasers thereof, which said deed or deeds shall convey to, and vest in the purchaser or purchasers of the said real estate, all the right, title and interest, whatsoever, of the said infants, in, and to the same.

**Investment of
proceeds of
sales.**

Sec. 2. *And be it enacted,* That the said guardian, shall invest the nett proceeds of the sales of the said real estate, in some safe securities, drawing interest, under the direction of the Orphans' Court, of the county of Hunterdon.

**Bond to be
given to the
Governor.**

Sec. 3. *And be it enacted,* That the said guardian, shall, before making sale as aforesaid, enter into bond, to the Ordi-

nary or Surrogate-general of this state, in such sum and with such security, as the said Ordinary shall direct and approve, for the faithful performance of his duties, as guardian under this act.

Passed March 4, 1835.

A SUPPLEMENT to an act, entitled “ An act to incorporate the Mechanics’ and Manufacturers’ Bank, at Trenton.” passed February nineteen, eighteen hundred and thirty-four.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the affairs, property and concerns of the said corporation, shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be stockholders and citizens of the United States, and of this state, (with the exception of two, who may be citizens of the state of Pennsylvania) and eight of whom, including the president, shall be residents within the townships of Trenton or Nottingham.

Two citizens of Pennsylvania may be directors

Sec. 2. *And be it enacted,* That so much of the third section of the act to which this is a supplement, as is repugnant and contradictory to this act, be, and the same is hereby repealed,

Part of former act repealed.

Passed March 4, 1835.

A SUPPLEMENT to the act, entitled “ An act to prevent Horse Racing,” passed the fifteenth February, eighteen hundred and eleven, &c.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the first, second, fifth, sixth, seventh, eighth, ninth, and eleventh sections of the act to which this is a supplement, be, and the same is hereby repealed.

Parts of former act repealed.

Passed March 5, 1835.

AN ACT to abolish Public Executions.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the punishment of death, under and by virtue of the criminal laws of this state, shall be inflicted, either in the prison where the convict shall be confined, or within an enclosed yard of such prison, if there be one, or within an enclosure erected for the purpose, adjoining such prison, at the discretion of the sheriff, whose duty it shall be to inflict the same.

Public executions abolished.

Sec. 2. *And be it enacted,* That the necessary expense attending an execution, shall be ascertained by the board of chosen freeholders, of the county in which the same shall take place, and be paid upon their order, by the county collector.

County to defray expense of execution.

Sec. 3. *And be it enacted,* That all acts and parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

Former acts repealed.

Passed March 5, 1835.

JOINT RESOLUTIONS.

RESOLVED, by the Council and General Assembly of this State, That five hundred copies of the following pamphlets be reprinted for the use of this State :

Certain proceedings of the Provincial Congress and Committee of Safety, of 1775 & 1776, directed to be re-printed.

1. A pamphlet, entitled " Extracts from the Journal of Proceedings of the Provincial Congress of New-Jersey, held at Trenton, in the months of May, June, and August, seventeen hundred and seventy-five."

2. A pamphlet, entitled " Journal of the Votes and Proceedings of the Provincial Congress of New-Jersey, held at Trenton, in the month of October, seventeen hundred and seventy-five."

3. A pamphlet, entitled " An Ordinance for regulating the Militia of New-Jersey, passed at a sitting of the Provincial Congress, held at Trenton, in the month of October, seventeen hundred and seventy-five; to which is annexed the Continental Articles of War."

4. A pamphlet, entitled " A Journal of the Votes and Proceedings, as well of the committee of safety, at a sitting in January, seventeen hundred and seventy-six, as the Provincial Congress of New-Jersey, at a sitting at New-Brunswick, began January the thirty-first, and continued to the second day of March following."

Passed January 8, 1835.



RESOLVED, by the Council and General Assembly of this State, That the Librarian be authorized and directed to deliver one copy of the history of New-Jersey, by Thomas F. Gordon, now deposited in the state library, as follows : one to the Governor, one to the Secretary of State, one to Rutgers's College, one to the College of New-Jersey, one to each member of the present Legislature, one to the Clerk of Assembly, one to the Librarian of the Supreme Court, and one to each of the incorporated library companies of this state.

Distribution of Gordon's history of N. Jersey.

Passed February 17, 1835.

RESOLVED, by the Council and General Assembly of this State, That Bernard Connolly, of Freehold, be employed to print the Votes and Proceedings of the Assembly of the present session; that he print thirteen hundred copies thereof, and be paid therefor, the sum of twenty-two dollars per sheet.

Resolved, That Gore & Allison, of Somerville, be employed to print the Journal of the proceedings of the Legislative Council and of Joint-Meeting of the present session; that they print thirteen hundred copies thereof, and be paid therefor, the sum of twenty-one dollars and fifty cents per sheet.

Resolved, That Joseph Justice, of Trenton, be employed to print sixteen hundred copies of the Laws of the present session of the Legislature, on the large octavo pages heretofore used, and that he be paid therefor, the sum of thirty-two dollars per sheet.

Resolved, That James M. Newell, of Morristown, be employed to print sixteen hundred copies of the Law Reports, at thirty-two dollars per sheet; and that Edward Sanderson, of Elizabethtown, be employed to print the Chancery Reports, the same number of copies, and at the same price as the Law Reports; and that both Reports shall be printed on as good paper, and with the large octavo pages heretofore used.

Passed March 2, 1835.

State arms
loaned to Col.
Zabriskie.

RESOLVED, by the Legislative Council and General Assembly of the State of New-Jersey, That the Quarter-Master General of the State of New-Jersey, be, and he is hereby authorized and empowered to deliver to Col. James C. Zabriskie, Colonel of the independent battalion of New-Brunswick, for the use of the officers and soldiers of the said battalion, twelve marquees, forty tents, and three gun-tents, with their equipments; upon condition that the said Colonel James C. Zabriskie, procure and deliver to him a bond, signed by all the officers of the said battalion, in the penalty of one thousand dollars, conditioned for the safe keeping of the said marquees, tents and equipments, and that they shall be safely returned to the said Quarter-Master General, of the State of New-Jersey, when thereunto required by the resolution of the Council and General Assembly of this State, or by the Quarter-Master General, or by the commander-in-chief of the militia and other military force of the same.

Passed March 3, 1835.

WHEREAS, it has been made appear to the Legislature of this State, that Abram Vanduyn and William Trelease, of the county of Morris, entered into recognizance for the appearance of Thomas Vanduyn, at the Court of General Quarter Sessions of said county, for an alleged assault and battery, in the sum of two hundred dollars each, and that the said Thomas Vanduyn afterwards absconded, and has not been heard from, and the said Abram Vanduyn and William Trelease, have not been able to procure his appearance, although they have been at great expense in following and trying to arrest the said Thomas; Therefore,

RESOLVED, by the Council and General Assembly of this State, That the said Abram Vanduyn and William Trelease, be released from the payment of the said recognizance. A. Vanduyn & W. Trelease, released from recognizance.

Passed March 3, 1835.

RESOLVED by the Council and General Assembly of this State, That the Treasurer of this State deliver to each member of the Council and General Assembly of this present Legislature, and to the Secretary of Council and Clerk of the Assembly, five copies for distribution, of the Proceedings of the Provincial Congress, and other documents, ordered to be printed by a resolution of the present Legislature; and one copy to each incorporated Library Company of this State. Distribution of Proceedings of Provincial Congress.

Passed March 4, 1835.

A RESOLUTION having passed the House of Assembly on the fourth day of March, A. D. eighteen hundred and thirty-five, requesting the Secretary of State to cause an accurate copy of the original deed from the widow and trustees of Sir George Carteret, to William Penn and others, the proprietors of East Jersey, to be "prepared and printed in connexion with the acts of the present Legislature," the following is printed with the Laws; and also, a subsequent agreement among the proprietors, which was attached to said deed; in conformity with said resolution of the House of Assembly:—

THIS INDENTURE made the second day of february in the ffour and thirtieth yeare of the raigne of our Sovereigne Lord Charles the Second By the grace of God of England, Scotland ffrance and Ireland King, Defender of the ffaith &c Annoq Domi 1681: Betweene the right Honble Dame Elizabeth Carteret widdow the relic and sole Executrix of the Last Will and Testament of the right Honble Sr. George Carteret Knight and Barronet Decd, the right Honble John Earle of Bath, The right Honble Thomas Lord Crew Baron Crew of Steane, the Honble Barnard Greenville Esquire Brother of the said Earle of Bath, the Honble Sr. Robert Atkins Knight of the Bath, the Honble Sr. Edward Atkins Knight one of the Barons of his Majesties Court of Exchequer, Thomas Pococke of the parrish of St Andrews Holborne in the County of Middx Gentleman, and Thomas Cremer of the same Gentleman of the one part, And William Penn of Worminghurst in the County of Sussex Esquire, Robert West of the Middle Temple London Esquire, Thomas Rudyard of London Gentleman, Samuell Groome of the Parrish of Stepney in the County of Middx Marriner, Thomas Hart of Enfeilds in the said County of Middx Merchant, Richard Mew of Stepney aforesaid Merchant, Thomas Wilcox of London Goldsmith, Ambrose Rigg of Gatton place in the County of Surrey Gentleman, John Heywood Cittizen and Skinner of London, Hugh Hartshorne Cittizen and Skinner of London, Clement Plumsted Cittizen and Draper of London, and Thomas Cooper Cittizen and Merchant taylor of London of the other part. WHEREAS our said Sovereigne Lord the King's Majestie in and by his Letters pattent under the great seale of Englande bearing date the twelveth day of March in the sixteenth yeare of his Majties Raigne, ffor the considerac'ons therein menc'oned

Did give and grannt unto his Royall Highnesse James Duke of Yorke his heires and assignes All that part of the Mayn Land of New England beginning att a certaine place called or knowne by the name of St. Croix next adjoyning to New Scotland in America and from thence extending along the Sea Coaste to a certaine place called Pemaquie or Pemaquid, and soe upp the River to the furthest head of the same as it tendeth Northwards, and extendeth from thence to the River of Kimbequin and soe upwards to the River Cannada Northwards, And also all that Island or Islands com'only called by the severall name or names of Matowacks or Long Island scittuate and being towards the West of Cape Codd and the Narrow-Higansetts abutting uppon the mayn land betweene the two Rivers there com'only called or knowne by the severall names of Connectecute and Hudson's Rivers together also with the said River called Hudsons River, and all the lands from the West side of Connectecute River to the East side of Delaware Bay, And Also all those severall Islands called or knowne by the names of Martins Vineyard or Nantucks otherwise Nantuckett together with all the lands, Islands, Soyles, Rivers, harbors, mines, Minerals, Quarries, woods, Marshes, Waters, Lakes, ffishings, Hawkings, Huntings, fflowlings and all other Royalties proffits comodities and hereditaments to the said sevearall Islands, Lands and premisses belonging and appeartayning with their and every of their appurtenances. And all his Majesties Estate, right, title, Interest, benefit, advantage, claime and demand of in or to the said Lands and premisses or any part thereof, And the Rever'con and Rever'cons, Remainder and Remainders together with the yearely and other rents, revenues, and proffits of all and singular the said premisses and every part and parcell thereof To HAVE AND TO HOLD unto his said Royall Highnesse James Duke of Yorke his heires and assignes forever, To bee holden of the Kings Majestie his heires and Successors as of his Maj'ties Manor of East Greenwich in his Majesties County of Kent in free and com'on Soccage and not in Capite or by Knight service, under the yearely rent of fforty Beaver's skinn's to bee paid unto his said Majestie his heires and successors when they shal bee demanded or within ninety daies after, as by the said Letters pattent relation being thereto had it may appeare, In and by which said Letters pattents his said Majestie did likewise give and grannt unto his said Royall Highnesse James Duke of Yorke, his heirse, Deputies, Agents, Commissioners and Assignes full and absolute power and authority for the correcting, punishing, pardoning, governing and Ruling such of the subjects of his said Maj'ty and of his heires and successors as shall att any time adventure themselves into any the said parts or places or inhabite there according to such laws, orders, ordinances, di-

recons and Instruccions as by his said Royall highnesse James Duke of Yorke or his assignes shal bee established, and in defect thereof in cases of necessity, according to the good Directions of his deputies Commissioners, officers or assignes respectively as well in all causes and matters Capitall and Criminall as Civill both marine and others in such manner and under such restrictions as are therein specified, and to doe, exercise and execute all and every other the powers and authorities therein menconed as by the same Letters pattent and by the severall powers and authorityes thereby given and grannted and therein specified it doth and may appeare. AND WHEREAS his said Royall Highnesse James Duke of Yorke by two severall Indentures of Lease and Release bearing date the three and twentieth, and ffouer and twentieth dayes of June in the yeare of our Lord One thousand six hundred sixty and ffouer, Made betweene his said Royall Highnesse James Duke of York of th' one part, and John Lord Berkly, Baron of Stratton and the said Sr. George Carteret by the name of Sr. George Carteret of Saltram in the County of Devon Knight and Barronett of the other part, and by other good and sufficient convayances and assurances in the Law executed (reciting the said Letters pattent herein before recited and the severall and respective premisses thereby grannted to his said Royall Highnesse) Did Grannt, Convey and Assure unto the said John Lord Berkley and Sr. George Carteret their heires and assignes forever ALL that tract of land adjacent to New England and lying and being to the Westward of Long Island and Manhattas Island part of the said Main Land of New England beginning att St. Croix men'coned to bee granted to his said Royall highnesse by the said therein and herein before recited Letters pattents Bounded on the East part by the maine sea and part by Hudsons River, and hath uppon the West Delaware Bay or River and extendeth Southward to the maine ocean as farr as Cape May att the Mouth of Delaware bay, and to the Northward as farr as the nothermost Branch of the said Bay or River of Delaware which is in fforty one Degrees and fforty Minutes of Latitude, and crosseth over thence in a straight lyne to Hudsons River in fforty one Degrees of Latitude, Which said tract of land was then after to bee called by the name or names of NEW CÆSARIA or NEW JERSEY, And all Rivers, Mines, Mineralls, Woods, ffishings, Hawkings, Huntings, fflowlings and all other Royalties, profits commodities and heireditaments whatsoever to the said lands and premises belonging or in any wise appertayning with their and every of their appurten'ce in as full and ample manner as the same was or were grannted to his said Royall Highnesse the Duke of Yorke in and by the said therein and herein before recited Letters pattent, And all the estate, right,

title, interest, benefitt, advantage, clayme and demand of his said Royall Highnesse James Duke of Yorke of in and to the said lands and premisses or in any part or parcell thereof and the reversion and rever'cons, remainder and and remainders thereof TO HAVE AND TO HOLD unto the said John Lord Berkeley and the said Sr. George Carteret their heires and assignes forever, under the yearely rent su'me of Twenty Nobles payable unto his said Royall Highnesse the said James Duke of Yorke in manner as the same is reserved therein to bee paid, As in and by the said recited Indenture relacon being thereunto had it may appeare. AND WHEREAS a parti'con was afterwards made and executed of the said premisses called NEW JERSEY Between the said Sr. George Carteret and the said William Penn by the name of William Penn of Kirkmansworth in the County of Hertford Esq. Gawen Lawry of London Merchant, Nicholas Lucas of Hertford in the County of Hertford Maulster and Edward Bylinge of Westminster in the County of Mddx Gent : (in whome the Inheritance and ffee simple of the said Lord Berkleys undivided moiety of all the said premisses called NEW JERSEY was by good and sufficient convayances then vested) upon which parti'con there was and were allotted to the said Sr. George Carteret and convayed and released to him and his heires by the said William Penn, Garven Lawry, Nicholas Lucas and Edward Byllynage to hold in severalty ALL that Easternly part, share and por'con, and all those Easternly parts, shares and por'cons of the said whole and entire tract of land and premisses herein before men'coned and called NEW CÆSAREA or NEW JERSEY extending Eastward and Northward along the sea coaste; And the said River called Hudsons River from the East side of a certain place or harbor lying on the Southern part of the same tract of Land, and com'only called or knowne in a Mapp of the said tract of land by the name of little Egg-harbor to that part of the said River called Hudsons River which is in fforty one degrees of Latitude being the furthestmost part of the said tract of land and premisses which is bounded by the said River and crossing over from thence in a straight line extending from that part of Hudsons River aforesaid to the Nothernmost Branch of th' aforemen'coned River called Delaware River, and to the most northernly part or boundary of the said intire tract of land and premisses, now called the north parti'con point and from the said North parti'con point extending Southward unto the more Southernly point by a straight and direct line drawn through the said tract of land from the said North parti'con point unto the said South parti'con point by the consent and agreement of all the said parties to the said Deed of parti'con now called the lyne of parti'con and by them intended for dividing and making a parti'con of the said Easternly part

share and por'con from the Westernly part share and por'con of the said tract of land. And all and every the Isles, Islands, Rivers, Mines, Mineralls, Woods, ffishings, Hawkings, Huntings ffowlings and all other Royalties, Governments, powers, fforts, ff ranchises, harbors, profitts, com'odites and heireditaments whatsoever unto the said Easternly part share and portion of the said tract of land and premisses belonging or in any wise appertayning with their and every of their appurten'ces. And the rever'con and rever'cons, remainder and remainders, rents, issues and profitts of the same and of every part and parcell thereof. ALL which said Easternly part share and por'con parts, shares and por'cons was and were then and now, is and are by the consent of all the said parties to the said parti'con called by the name of EAST NEW JERSEY as in and by a certain Indenture Quinquepartite bearing date the the first day of July in the yeare of our Lord 1676, and made between the said Sr. George Carteret of the first part, the said William Penn of the second part, the said Gawen Lawry of the third part, the said Nicholas Lucas of the fourth part and the said Edward Byllyuage of the fifth part, and inrolled in the High Court of Chancery in England rela'con being thereunto had it doth more fully and att large appeare. AND WHEREAS the said Sr. George Carteret being by virtue of the said Assurances and parti'con aforesaid become sole seized to him and his heires of the said Premisses called EAST NEW JERSEY by his last Will and Testament in writing bearing date on or about the fifth day of December in the yeare of our Lord One thonsand six hundred seventy and eight Did devise the same and all his Estate therein amongst other things to the right Honble Edward Earle of Sandwich, the said John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins and their heirs IN TRUST to sell the same for the payment of his debts and Legacies, as in and by the said will rela'con being thereunto had may appear. AND WHEREAS the said John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins have by indenture of Lease and Release bearing date the ffifth day and sixth day of March in the two and thirtieth yeare of his now Maj'ties Raigne convayed the saide premisses amongst other things to the said Thomas Cremer and Thomas Pocock as by the said Indenture rela'con being thereunto had may appeare, AND WHEREAS the said Earle of Sandwich by his Indenture bearing date the twentieth day of ff ebruary last past hath released all his estate, interest and trust in the said premisses to the said Earle of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins and their heirs as by the saide Indenture, rela'con being thereunto

had may appeare. **NOW WITNESSETH THIS INDE-
TURE** that in performance of the trust reposed in them
and for and in consideration of the su'ms of Three thousand
four hundred Pounds of good and lawfull money of England
to the saide Earle of Bath, Lord Crew, Bernard Greenville,
Sr. Roberth Atkins, Sr. Edward Atkins, Thomas Pocock and
Thomas Cremer some or one of them well and truely in hand
paid by the said William Penn, Robert West, Thomas
Rudyard, Samuell Groom, Thomas Hart, Richard Mew,
Thomas Willcox, Ambrose Riggs, John Heywood, Hugh
Hartshorne, Clement Plumsted and Thomas Cooper att and
before th'ensealing and delivery of these presents, the re-
ceipt of which said su'me of Three thousand ffouer hundred
Pounds they doe hereby acknowledge and thereof and of every
part thereof doe acquitt, release and discharge the saide Wil-
liam Penn, Robert West, Thomas Rudyard, Samuell
Groome, Thomas Hart, Richard Mew, Thomas Willcox, Am-
brose Rigg, John Heywood, Hugh Hartshorne, Clement
Plumsted and Thomas Cooper and every of them, their and
every of their heires, executors administrato's and assignes.
The saide John Earle of Bath, Thomas Lord Crew, Bernard
Greenville, Sr. Robert Atkins and Sr. Edward Atkins by the
consent and direc'con of the saide Dame Elizabeth Car-
teret testified by her being a party to these presents and
signing and sealing the same, and the said Thomas Pocock and
Thomas Cremer by the direc'con and appointment of the said
Dame Elizabeth Carteret, John Earle of Bath, Thomas Lord
Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward
Atkins, testified as aforesd, HAVE Grannted, bargained,
sold, aliened, enfeoffed, released and confirmed and by
these pr'sents doe and every one of them doth grannt
bargaine, sell, aliene, enfeoffe, release and confirme to the s'd
William Penn, Robert West, Thomas Rudyard, Samuell
Groome, Thomas Hart, Richard Mew, Thomas Wilcox,
Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement
Plumsted and Thomas Cooper their heires and assignes in
their actuall possession now being by virtue of a Bargaine
and Sale for one yeare to them thereof made by the said
John Earle of Bath, Thomas Lord Crew, Bernard Greenville,
Sr. Robert Atkins, Sr. Edward Atkins, Thomas Pocock,
and Thomas Cremer, by Indenture bearing date the day be-
fore the date hereof, and of the Statute for transferring uses
into possession, ALL that, their said Easternly part, share
and por'con, and all those said Easternly parts, shares and
porc'ons of the said whole and intire tract of land heretofore
called NEW CÆSAREA or NEW JERSEY which are
now called and knowne by the name of EAST NEW JER-
SEY as the same is and are herein before, and in and by the
said Indenture of Bargaine and Sale particularly bounded

and described, and all and every the Isles, Islands, Rivers,
 Mines, Mineralls, Woods ffishings, Hawkings, Huntings,
 fflowlings, and all other Royalties priviledges, franchises.
 Governments, powers, fforts, harbors, profitts, Co'modities
 and heireditaments whatsoever unto the said Easternly part,
 share and portion, parts, shares and por'cons of the said tract
 of land and premisses belonging or in anywise appertayning
 with their and every of their appurten'ce, and the rever'con
 and rever'cons, remainder and remainders, rents, issues and
 profitts of the same, and of every part and parcell thereof,
 And all the arrears of rents, issues and profitts incurred and
 growne due since the death of the said Sr. George Carteret,
 And all the estate, right, title. interest, clayme and demand
 whatsoever in law and equity of them the said Earle of Bath.
 Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr.
 Edward Atkins, Thomas Pocock and Thomas Cremer, and
 of every of them of, in and to the said premisses and of, in
 and to every part and parcell thereof To HAVE AND TO HOLD
 the said Easternly part, share and por'con Easternly parts,
 shares and por'cons of the said tract of land and premisses
 now called EAST NEW JERSEY and all and singular oth-
 er the premisses herein men'coned or intended to be hereby
 granted and released with their and every of their appurte-
 n'ce unto the said William Penn, Robert West, Thomas Rud-
 yard, Samuella Groome, Thomas Hart, Richard Mew, Thomas
 Wilcox, Ambrose Rigg. John Heywood, Hugh Hartshorne,
 Clement Plumsted and Thomas Cooper their heires and as-
 signes forever to the only use and behoofe of the said William
 Penn, Robert West, Thomas Rudyard, Samuella Groom,
 Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg,
 John Heywood, Hugh Hartshorne, Clement Plumsted and
 Thomas Cooper their heires and assignes forever. And the
 said Earle of Bath, Lord Crew, Bernard Greenville, Sr. Ro-
 bert Atkins and Sr. Edward Atkins doe for themselves sever-
 rally and respectively and not the one of them for the other
 of them, nor for the acts and deeds of the other of them, and
 for their severall and respective heires, Executo's and admin-
 istrato's covenant, promise and agrece to and with the Said
 William Penn, Robert West, Thomas Rudyard, Samuella
 Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Am-
 brose Rigg, John Heywood, Hugh Hartshorne, Clement
 Plumsted and Thomas Cooper their heires executors and
 administrators by these presents, That they the said Earle of
 Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkins and
 Sr. Edward Atkins respectively have not made, done, com-
 mitted, suffered or executed any act matter or thing, acts mat-
 ters or things whatsoever whereby or by reason, cause or oc-
 casion wereof the said premisses hereby granted and released
 or intended to bee granted and released to the sd. William

Penn, Robert West, Thomas Rudyard, Samuel Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires or assignes or any part thereof are shall or may be charged, impeached or incumbered in title, charge, estate, or otherwise howsoever other then the said conveyance herein before men'oned to bee made to the said Thomas Cremer and Thomas Pocock, AND other their such lawful Estates and Grants of Lands and planta'cons parcells of the said premisses as have bin att any time since the death of the said Sr. George Carteret, by them or by authority lawfully derived from them made or granted to any planter or planters now in actuall possession of the same lands and plantations, and which have bin made and granted according to the Rules and Laws of planta'cons now in fforce in the said Country under the usuall and accustomed rents, duties and services by the said rules and lawes appointed and dircted to bee reserved uppon Grants of Lands and planta'cons made and granted to planters seating themselves there. AND the said Thomas Pocock and Thomas Cremer for themselves severally and not jointly, nor the one for the other or for the act or acts of the other and for their severall and respective heires, executors and administrators and for every of them doe covenant, grannt and agree to and with the said Wm. Penn, Robert West, Thomas Rudyard, Samuel Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper, that they the said Thomas Pocock and Thomas Cremer have not att any time before th' ensealing and delivery of these presents com'itted, made, done or willingly or wittingly suffered any act, matter or thing whatsoever whereby or by reason or meanes whereof the said premisses by these presents grannted and convayed as aforesaid or any part or parcell of the same are shall or may bee charged or incumbered in estate, title, charge or otherwise howsoever. And further the said John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins, Sr. Edward Atkins, Thomas Pocock, and Thomas Cremer for themselves severally and not jointly doe covenant promise and agree to and with the said William Penn, Robert West, Thomas Rudyard, Samaell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires and assignes, that they the said Earle of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins the survivors and survivor of them and the hieres of such survivor and the said Thomas Pocock and Thomas Cremer and the heires of the survivor of them, shall and will from time to time and att all times hereafter within the space

of seaven yeares now next ensuing uppon the request and att the costs and charges in the law of the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires and assignes make doe and execute, or cause and procure to bee made done and executed all and every such further and other act and acts, thing and things, assurances and convayances in the law whatsoever for the better and more absolute assuring and confirming the said premisses and every part thereof, with their and every of their appurten'ce unto the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires and assignes as by the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires and assigns or their Council learned in the law shal bee reasonably devised, advised or required. IN WITNESSE whereof the said parties to these presents have to these present Indentures Interchangeably sett their hands and seales, Dated the day and yeare first above written.

Eliz : Carteret [L. s.] Bath [L. s.] Crewe [L. s.] B. Grenville [L. s.] Robert Atkyns [L. s.] Edw : Atkyns [L. s.] Tho : Pocock [L. s.] Tho : Cremer [L. s.]

Sealed and Deliverd by the within named Dame Elizabeth Carteret, the Right Honble. the Earle of Bath, the Right Honble. the Lord Crew, the Honble, Bernard Greenville Esqr. the Honble. Sr. Edward Atkynes Knt. Thomas Pocock and Thomas Cremer, and the sum'e of Three thousand and ffour hundred Pounds the consider'acon moneys within men'coned paid and acknowledged to be reced in the pr'sence of

Geo Macy
Ste : Mellichap
Harbt. Springett Junr.
Ben : Wetton

Sealed and Delivered by the wihin named the Honble. Sr. Robert Atkyns in the presence of

Anna Dawson
Ja : Whetham
John Reynolds
John Dangerfeild

THIS INDENTURE made the first day of June in the four and thirtieth year of the Raigne of our Sov'aigne Lord Charles the Second by the Grace of God of England, Scotland, France and Ireland King, Defender of the Faith &c. Anno: Dom 1682. **BETWEEN** William Penn of Warminghurst in the County of Sussex Esq. of the first part, Robert West of the Middle Temple London Esq. of the second part, Thomas Rudyard of London Gentleman of the third part, Samuell Grom of the parish of Stepney in the County of Middsx mariner of the fourth part, Thomas Hart of Engeld in the saide County of Middsx Mercht. of the fifth part Richard Mew of Stepney aforesaid Merchant of the sixth part, Thos. Willcox of London Goldsmith of the seaventh part, Ambrose Rigg of Gatton place in the County of Surrey Gent: of the eighth part, John Heywood Cittizen and Skinner of London of the ninth part, Hugh Hartshorne Cittizen and Skinner of London of the tenth part, Clement Plumsted Citizen and Draper of London of the eleaventh part and Thomas Cooper Citizen and Merchant-taylor of London of the twelfth part, **WHEREAS** the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Willcox, Ambrose Rigg, John Heywood, Hugh Hartshorn, Clement Plumsted and Thomas Cooper have lately purchased of and from John Earle of Bath, Thomas Lord Crew, Bernard Greenville Esqr. Sr. Robert Atkyns Knt. of the Bath, and Sr. Edward Atkyns Knt. one of the Barrons of his Ma'ties Court of Excheqr. appointed Trustees by the last Will of Sr. George Carteret late of Saltram in the County of Devon knt. and Barrt. deceased for the sale of lands for the payment of his Debts and Legacies, and of and from Thomas Pocock of the parish of St. Andrews Holborn in the County of Midd'x Gentleman, and Thomas Cremer of the same place Gent. a certain tract of land in America, now called **EAST NEW-JERSEY** and all Isles, Islands, Rivers, Mines, Minerralls, Woods, fishings, Hawkings, Huntings, fowlings and all other Royalties, Governments, powers, fforts, franchises, harbrs, profits, commodities and hereditaments whatsoever, to the said tract of land belonging with their and ev'y of their appurtenances, together with all arrears of Kent incurred since the death of the said Sr. George Carteret, And likewise have purchased from Dame Elizabeth Carteret the relict and Executrix of the said Sr. George Carteret, **ALL** arrears of rents incurred and grown due in the life time of the saide Sr. George Carteret as in and by the sevel'all Grants from the said Earl of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkyns, Sr. Edward Atkyns, Thomas Pocock, and Thomas Cremer and from the said Lady Carteret relation being thereunto had it doth and may appeare, **NOW WITNESSETH THIS INDENTURE** that it is hereby declared and agreed

by all and every the said parties to these pr'sents that the moneys paid for the said purchase of the said tract of land and also the arrears of rent were paid by the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Willcox, Ambrose Rigg, John Heywood, Hugh Hartshorn, Clement Plumsted and Thomas Cooper equally and in equall por'cons and that the said purchase was made and intended for the equall benefitt and advantage of them their sev'rall heires and assignes in twelve equall parts AND therefore it is Coven'ted, Granted, Concluded and agreed by and between all and ev'y of the said parties that there shall not be any benefitt of surviv'shipp amongst the said parties for or concerning all or any of the said premises for or by reason of the death of any one or more of them but that the heires or assignes of all and ev'ry of the said parties soe dyeinge shall enjoy the share and portion thereof which the said sev'all parties have therein. IN WITNESS whereof the parties to these pr'sents interchangeably have sett their hands and seales the day and year first above written.

Wm. Penn [L. s.] Robt. West [L. s.] Tho. Rudyard [L. s.]
Samll. Groom [L. s.] Rich. Mew [L. s.] Tho. Hart [L. s.] Am-
brose Rigg [L. s.] Tho. Willcox [L. s.] Hugh Hartshorn [L. s.]
John Heywood [L. s.] Clemt. Plumsted [L. s.] Tho: Cooper
[L. s.]

Sealed and delivered by the within named William Penn
and Ambrose Riggs in the presence of

HARBT. SPINGETT,
J. S. SWINTON,
WM. GIBSON.

Sealed and delivered by the within named Robert West,
Tho. Rudyard, Sam'l Groom, Richard Mew, Tho. Hart, Tho.
Willcox, Hugh Hartshorn, John Heywood, Clement Plum-
sted and Tho: Cooper in the presence of

WM. GIBSON,
EDMUND BANNISTER,
HARBT. SPRINGETT.

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ACTS
OF THE
SIXTIETH
GENERAL ASSEMBLY

OF THE
State of New-Jersey,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTI-SEVENTH DAY OF
OCTOBER, EIGHTEEN HUNDRED AND THIRTY-FIVE.

BEING THE FIRST SITTING.



TRENTON:
WILLIAM BOSWELL, PRINTER.

1836.

ACTS
OF THE
SIXTIETH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT to authorise David Marvin of the county of Essex, to sell certain lands therein mentioned.

WHEREAS it hath been represented to the legislature, that David Marvin of the county of Essex, became the purchaser of a farm and plantation in the vilage of Bellville in said county, on which he now resides, and conveyed the same to his children, being five in number, three of whom are now minors under twenty-one years of age: **AND** **WHEREAS**, it hath been further represented, that an advantageous offer hath been made for the purchase of the said farm, and which all the persons interested in the same, believe would be greatly to their advantage to accept—Therefore,

Preamble .

Sec. 1. BE IT ENACTED. *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That David Marvin of the said county of Essex, be, and he is hereby fully authorised to sell and convey the three-fifths of the farm or plantation aforesaid, on which the said David Marvin now resides in the village of Belleville, in the said county, belonging to Mary Marvin, Mary Ann N. Marvin and William H. Marvin, minor children of the said David Marvin, and to execute to the purshaser and purchasers thereof, a title in fee simple for the same.

D. Marvin authorised to sell certain lands.

Sec. 2. And be it enacted, That the said David Marvin

Proceeds of
sale to be se-
cured by bond
and mortgage.

shall secure the purchase money for the said three-fifths of the aforesaid land, for the benefit of the aforesaid minor children, by bond and mortgage, to be held in trust for the said minor children, in such form as shall be approved by the Orphans' Court of the county of Essex.

Passed, October 30, 1835.

AN ACT for the relief of Trinity Church, at Newark.

Preamble.

WHEREAS, by the charter of Trinity Church, at Newark, in the county of Essex, and state of New-Jersey, granted in the reign of George II. king of Great Britain, and recorded at Perth Amboy, the tenth February, A. D. seventeen hundred and forty-six, certain inhabitants of Newark, Second River, New Barbadoes Neck, and Acquackanonk, were incorporated by the name and style of "The Rector, Church Wardens and Vestrymen of Trinity Church, at Newark, elected and chosen according to the canons of the church of England, as by law established," and therein and thereby it was provided, among other things, that there should be two church wardens and ten Vestrymen annually elected, in manner and form as thereafter expressed; and that one of the church Wardens, and five of the Vestrymen of said corporation, should be elected and chosen, out of the congregation of said church, living and residing at New Barbadoes Neck, or to the northward of said river:—AND WHEREAS, certain real estate, and other property, has been held and enjoyed by the said corporation, at Newark and at Belleville; and a chapel to said Trinity Church has been erected on certain lands at the last mentioned place, which is regularly attended by the said inhabitants of Second River, New Barbadoes Neck, and Acquackanonk: AND WHEREAS, it was agreed between the respective congregations, to apply to the legislature of this state, for the separate incorporation of the said congregation at Belleville, with suitable provisions for the government and protection of title to their property; now therefore.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That so much of the said charter of Trinity Church at Newark, as requires one of the said church Wardens and five of said Vestrymen to be elected from such of the congregation as may be living and residing at New Barbadoes Neck, Second River, and Acquackanonk, or to the northward of said brook or river, be, and the same is hereby repealed; and that the same be elected from the congregation at Newark, in the manner provided in said charter for the residue of the present term of office, and continue forever thereafter so to be elected from the said congregation at Newark, any thing in the said charter in any wise to the contrary notwithstanding.

Church wardens and vestrymen to be elected.

Sec. 2. *And be it enacted,* That the congregation now attending at Belleville chapel aforesaid, be authorised to become incorporated, under the existing laws of this state, for incorporating religious societies worshiping according to the customs and usages of the Protestant Episcopal Church; and thereupon the said congregations at Newark and Belleville, be deemed and declared to be, separate and distinct corporate bodies.

Congregation authorised to be incorporated.

Sec. 3. *And be it enacted,* That the title to all the property and estate belonging to said Trinity Church, situate, lying, and being in the village of Belleville, shall be vested in the said congregation at Belleville, that may be incorporated as aforesaid; and that the title to all other, the property of said Trinity Church, of whatever nature or kind soever, shall be and remain vested in the congregation of Trinity Church at Newark, the same to be held by, and under their respective charters or acts of incorporation.

Settlement of title to property.

Sec. 4. *And be it enacted,* That all and every matter, act, and thing required by the said charter of Trinity Church, inconsistent with the purview and intent of this act, be, and the same is hereby repealed.

Part of charter repealed.

Passed, November 4, 1835.

A SUPPLEMENT to an act, entitled “An act to authorize the sale of the Wood and timber standing on certain real estate of Peter Drummond, of the county of Monmouth, a lunatic,” passed the twenty-sixth day of February, A. D. eighteen hundred and thirty-five.

Guardians of
P. Drummond
authorised to
sell timber.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Edmund Throckmorton and Edmund T. Williams, guardians of said lunatic, be, and they are hereby authorised and empowered to make sale, at public vendue, to the highest bidder, of such, and so much of the wood and timber standing, lying, or being upon the said lands, belonging to the said lunatic, as in the opinion of the said guardians, may be necessary to pay off and satisfy the debts of said lunatic, giving the same notice of sales as is required in the first section of the act to which this is a supplement; and if at such sale or sales, any surplus moneys shall be raised, more than are sufficient to pay off and satisfy said debts of said lunatic, then such surplus moneys, after deducting the costs and charges incident to such sale or sales, shall be invested in some safe securities, drawing interest, under the direction of the Orphans' Court of said county of Monmouth, for the use and benefit of said lunatic and his estate: *Provided nevertheless*, that before said guardians make sale as aforesaid, they give bond to the governor of this state, and his successors in office, in such sum, and with such security, as the Orphans' Court of said county may direct and approve.

Proviso.

Passed, November 5, 1835.



AN ACT to appoint Commissioners to make partition of the Real Estate of Enos Ayres, late of Middlesex county, deceased.

WHEREAS, it has been represented to the legislature, by the petition of Jacob T. B. Skillman, and Rachel his wife,

and Reuben Ayres. and Maria his wife, that Enos Ayres, by his last will and testament, devised the whole of his real estate to the said Rachel and Maria, his two daughters, during their natural life, to be equally divided between them; and on the death of either of his said daughters, devised the one half of his said real estate, in fee simple, to such child or children, as his said daughter might leave: **Preamble.**
AND WHEREAS, it has been further represented, that no partition of said lands can be made between the said tenants for life, that will be permanent and binding upon the children of said tenants, who are all minors; but that upon the death of either of the said tenants for life, her children may require and obtain a new and different division of said lands; in consequence whereof, the said tenants for life will be restrained from making improvements on said lands: **AND WHEREAS**, it is considered equitable and just, and for the best interest of all persons concerned in said lands, that the said partition should be permanent and conclusive upon the devisees of the fee simple—Therefore, pursuant to the prayer of said petition,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That David Mercereau, Staats Van Deursen, and George Davison, be, and they hereby are, appointed commissioners, with full power and authority to make partition of the said real estate of the said Enos Ayres, deceased, into two equal shares or parts, having due regard to the situation, quantity, quality and advantages of each part or share, so that they may be equal in value, as nearly as may be; and the said commissioners shall make a true field-book, specifying the bounds of each part or share; and when the same shall be made and completed, shall proceed to assign, by ballot, the said parts or shares to the said tenants for life, respectively. **Commissioners appointed to divide real estate of E. Ayres. dec.**

Sec. 2. *And be it enacted,* That the said partition, so to be made by said commissioners, or any two of them, shall be as binding and conclusive upon the said tenants for life, and upon their children respectively, as if the same had been so expressly declared by the said testator, in his said last will and testament; *Provided*, that nothing in this act contained, shall in any wise affect or alter the rights of the devisees, under said will, further than that the said lands, by virtue of said partition, shall be held in severalty, and not in common, according to their respective estates under said will. **Effect of the partition of lands.**

Sec. 3. *And be it enacted,* That the said commissioners, before they proceed to the execution of the powers vested in

Commission-
ers to be sworn
or affirmed.

them by this act, shall be severally sworn or affirmed, before one of the Judges of the inferior court of Common Pleas of the connty of Middlesex, that they will honestly, faithfully, and impartially make the partition intended by this act, to the best of their skill, knowledge and judgment.

Proceedings to
be recorded.

Sec. 4. *And be it enacted*, That the said commissioners shall transmit a copy of this act, and their oath or affirmation, properly certified by the officer administering the same; and the field-book, and their accounts, and all their proceedings, to the judges of the court of Common Pleas of said county of Middlesex, in which the lands lie; who after inspecting the same, shall order the same, excepting the account of expenses, to be recorded in the clerk's office of the said county, which shall be good evidence of such partition.

Passed, November 6, 1835.



AN ACT to incorporate the Reiglesville Delaware Bridge Company.

Preamble.

WHEREAS it is represented to the Legislature, by the petition of a number of the inhabitants of the counties of Hunterdon and Warren, that the erection of a bridge over the Delaware river at or near Reiglesville, would be a great convenience and accommodation to the public—Therefore,

Amount of
capital.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the capital stock of the Reiglesville Delaware Bridge Company shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock, shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in such proportions as the directors of the said company may determine.

Sec. 2. *And be enacted*, That Philip Fine, Benjamin Reigel, Isaac N. Carpenter, Peter Tinsman and James Long, be,

and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorised to receive subscriptions to the said capital stock, at such times and places, as they or a majority of them may direct, giving notice thereof in two of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in two of the newspapers printed in the counties of Hunterdon and Warren, in this state, for at least twenty days, of the times and places when and where the said subscriptions shall be received, and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice of, and upon failure of payment thereof as so directed for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person failing to pay the said instalments, or any of them, to and for the use of the said company—*Provided*, that if the number of shares subscribed for shall exceed the amount or number of shares authorised by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid.

Commissioners to receive subscriptions for stock.

Stock forfeited on failure to pay instalments.

Proviso.

Sec. 3. *And be it enacted*, That when two hundred shares are subscribed for, the persons holding the same, shall be, and they are hereby incorporated into a company, by the name of "The Reiglesville Delaware Bridge Company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act; *Provided*, such increase does not, with the original subscription, exceed the aforesaid capital of twenty thousand dollars, and the increase and profits, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates real and personal as may be necessary and convenient to them, in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice or any other place whatever.

Style of incorporation.

Real estate may be held.

Mode of organising the company.

Sec. 4. *And be it enacted,* That as soon as two hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice in two or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in the counties of Hunterdon and Warren, in this state, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company, for one year, and until other officers shall be appointed; and may make such by-laws and regulations, not inconsistent with the laws and constitution of this state, or of the United States, as shall be necessary for well ordering the affairs of the said company—*Provided,* That no person shall have more than twenty votes at an election, or determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held, not exceeding ten; and one vote for every two shares above ten, and not exceeding twenty, and one vote for every five shares above twenty until the number of votes amount to twenty.

Proviso.

Mode of voting

Annual meeting.

Sec. 5. *And be it enacted,* That the stockholders shall meet on the first Monday in November, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Certificate of stock to be issued.

Sec. 6. *And be it enacted,* That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively signed by the president, and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject however to the payments due and that may grow due thereon, and the assignee holding any certificate having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

Powers and duties of president and directors.

Sec. 7. *And be it enacted,* That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business; at such meetings five members shall be a quorum,

who, in the absence of the president, may choose a chairman and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary to carry on the said bridge, and to complete the same, and fix their salaries and other wages, to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

Sec. 8. *And be it enacted,* That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the justices of the Supreme Court of this state, not being a stockholder or otherwise interested, who, upon such application, is hereby authorised and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all necessary works and roads to and from the same, and shall according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid; and shall report what sum shall be paid by the said company for the same, which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them; and shall return the same, together with a map describing the metes and bounds of such lands and tenements, to the Supreme Court next after they shall have agreed upon and signed the same; and the said report having been confirmed by the said Supreme Court, shall be filed

Proceedings
when the com-
pany, and
owners of
lands, cannot
agree.

in the clerk's office of the said court, with the map aforesaid; and the said president and managers having paid the said owners respectively, the several sums awarded to be paid to them, in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each, for every day employed in said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon and not before, for the said president and directors to enter upon the said lands and tenements, and to commence and to complete the erection of the said bridge.

Agents may
enter upon
lands.

Mode in which
damages are
ascertained

Sec. 9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers, and artists, of every kind, to enter into and upon all lands and enclosures near to the place where the said bridge is to be built; and to examine the ground, for the purpose of obtaining stone, gravel, or sand necessary for the building of the said bridge; and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds, or sleighs or beasts of burden or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damage that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owner, or managers, or superintendents, engineers, or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county not interested on either side; and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth, most conveniently situated for making and repairing said bridge.

Accounts to be
submitted to
stockholders
annually.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended

in the prosecution of the said work; and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

Sec. 11. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns forever; and the said company, their successors and assigns Rates of tolls may demand and receive toll from travellers and others not to exceed the following rates:

For every coach, landau, chariot, phaeton, or other pleasurable carriages with four wheels, drawn by four horses, the sum of seventy-five cents.

For the same carriage, with two horses, the sum of fifty cents.

For every wagon with four horses, the sum of sixty-three cents.

For every carriage of the same description drawn by two horses, the sum of fifty cents.

For every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled with two horses, the sum of thirty-one and a fourth cents.

For the same with one horse, the sum of fifteen cents.

For a single horse and rider, the sum of ten cents.

For every led or driven horse or mule, the sum of five cents.

For every foot passenger, the sum of two cents.

For every head of horned cattle, the sum of three cents.

For every sheep or swine, the sum of half a cent.

Provided—That all persons going to and returning from funerals, persons going to or returning from meeting or church, children going to or returning from school, shall pass free of toll—*Provided also*, That in fixing the toll of all carriages drawn wholly by oxen or partly by horses and partly by ox- Proviso. en, two oxen shall be estimated equal to one horse.

And the said company shall so erect the said bridge, as in no wise to injure, stop or interrupt the navigation of the said river, or prevent boats or rafts from passing or persons from fording the said river.

Sec. 12, *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break or remove, from off the said Penalty for in-
juring bridge.

bridge or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending, shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof.

Penalty for
demanding
unlawful toll.

Proviso.

Sec. 13. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge, than what are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence, forfeit and pay the sum of thirty dollars, one third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one third thereof for the use of the poor of the townships of Greenwich, in the county of Warren, and Alexandria in the county of Hunterdon, and state of New-Jersey, and the other third for the use of the person who may sue for the same; *Provided always*, that no suit or action shall be brought, unless within sixty days after such offences shall be committed.

Power to con-
tract with
owners of fer-
ries and fishe-
ries.

Sec. 14. *And be it enacted*, That the said president and directors shall have power to agree with any owner or owners of ferries or shad fisheries that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case, the said damages shall be ascertained and paid in the the same manner as is provided for in the ninth section of this act; *Provided*, that no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Dividends to
be made, and
amount pub-
lished annual-
ly.

Sec. 15. *And be it enacted*, That the said president, directors and company shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund to provide against the decay and for rebuilding and repairing of the said bridge, and shall on every first Monday in May and November, in each and every year, publish the dividend to be made of the said clear profits thereof amongst

the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

Sec. 16. *And be it enacted*, That this act shall not take effect, or go into operation, until the legislature of the commonwealth of Pennsylvania shall pass a law, appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments, as to the said company are hereby given. When act takes effect.

Sec. 17. *And be it enacted*, That nothing in this act contained shall be so construed as to authorise the said bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes. The legislature reserve the right of altering, amending, or annulling this charter whenever they think proper. Restrictions.

Passed, November 6, 1835.



AN ACT relative to the last will and testament of Richard Eayre, late of the county of Burlington, deceased.

WHEREAS Thomas W. Eayre, Samuel B. Eayre, Isaac W. Eayre and Dr. Oakey H. Cortell, and Mary Ann his wife, late Mary Ann Eayre, (which said Thomas, Samuel, Isaac, and Mary Ann, are the only brothers and sisters of the said Richard Eayre) and Sarah W. Eayre, the widow of the testator, have, by their petition represented to the legislature, that at the time of the intermarriage of the said deceased, with the said Sarah W. Eayre, she was possessed of personal estate, to the amount of four thousand five hundred and fifty dollars; which, with the exception of one thousand dollars, he reduced into his possession in his life time, that they have issue living two children, a son aged about six years, and a daughter aged about four years; and that the deceased, at the time of his death, was Preamble.

seized and possessed of real estate, valued by him at seven thousand seven hundred and seventy-five dollars, much of which consists of pine and out lands, wholly unproductive, and possessed of personal estate, estimated by him after paying his debts, to amount to twelve thousand six hundred dollars, or thereabouts; that the said Richard Eayre, in his life time, made his last will and testament, in writing, bearing date the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and thirty-four and thereby appointed Benjamin Davis, executor, and Sarah W. Eayre, executrix, of the same, and guardians of his infant children, upon condition, that each for all their services, both as executors and guardians of his children, should each receive the sum of one hundred and seventy-five dollars, and no more; making no charge for their personal expenses and time; and "did give and bequeath unto my beloved and excellent wife, Sarah W. Eayre, in addition to her right of dower, such and so much of my household goods and kitchen furniture, as she may choose, intending that all obligations held in her name, against any person or persons, shall be paid into my estate; and that the testator meant and intended, by the word dower, used in the said clause, to give and bequeath to his said wife, not only the one third part of the yearly profits of his real estate, but the one third part of his personal estate, which bequest would fall short of the dowry which the said Sarah W. Eayre brought to the testator; *And whereas*, doubts have arisen as to the construction of the word dower, used in the bequest aforesaid, and it is the wish of all persons concerned, and would be for the benefit of the infant children of the testator, that the same should be removed, and the construction of the said clause settled, so as to carry into effect the known and unquestioned meaning, and intention of the testator; *And whereas*, from the tender infancy of the children of the testator, and the responsibility arising from the nature of the trust, the executors and guardians named in the said will, are unwilling to take upon themselves the executorship and guardianship by the said last will and testament committed to them, upon the condition limited by the said will; *And whereas*, the said petitioners have alleged that it would be conducive to the interests of the said infants, as well as in conformity to the true meaning and intention of the testator, to authorise the said executors to receive a just and reasonable compensation for their execution of the said trust: *And whereas*, the facts set forth in the said petition, have been fully ascertained and proved to the satisfaction of the Legislature—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That the said second item or clause in the said last will and testament of the said Richard Eayre, herein before recited, shall be construed to mean to give and bequeath to the said Sarah W. Eayre, the one-third part of the yearly profits of the real, and one-third part of the clear personal estate of the testator, in addition to the specific articles therein mentioned; any doubt, usage or law, to the contrary notwithstanding.

Construction
of the will of
Richard Eayre

Sec. 2. *And be it enacted,* That if the said executors and guardians, named in the said will, shall take upon themselves the burthen of the execution of the said trusts, that such act shall not be construed to assent to the conditions imposed by the said will; but that they shall and may be entitled to compensation and commissions for their services, in the same manner as other executors and guardians, and as if no such condition was contained in the said will.

Compensation
of Executors
and guardians

Passed, November 10, 1835.

AN ACT to empower certain trustees therein named, to sell the real estate of Cornelius Smith, late of the county of Somerset, deceased.

WHEREAS Sarah Smith, the widow of Cornelius Smith, late of the township of Warren, in the county of Somerset, deceased, and William D. Stewart, the guardian of the infant children of the said Cornelius Smith, deceased, have, by their petition, represented to the Legislature, that the said Cornelius Smith died seized of a farm, containing about one hundred and nineteen acres of land, lying in the township of Warren, in the said county, leaving a widow and four infant children; and that it would be greatly to the advantage of all concerned to have the land sold and the money placed at interest for the support of the widow and the children aforesaid—Therefore,

Preamble

Trustees au-
thorised to sell
real estate.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* that Squire Terrel and William D. Stewart, Esquires, of the county of Somerset, be, and they are hereby authorized and empowered to grant, sell, convey and dispose of all the real estate of which the said Cornelius Smith died seized, at public sale, by advertising the same in five or more public places in said county, at least thirty days before the day of sale, for the best price they can obtain for the same, and when sold, to execute in due form of law, in their own names, a good and sufficient deed or deeds to the purchaser and purchasers for the same.

To give bond
to the gover-
nor.

Sec. 2. *And be it enacted,* That the said Squire Terrel and William D. Stewart shall account to the Orphans' Court of the county of Somerset, for all the moneys arising from said sale, and after deducting all proper costs and charges, the said Squire Terrel and William D. Stewart shall place the remainder of the money at interest, upon good security, to be approved of by the said Orphans' Court; and the said Orphans' Court may from time to time order and direct the interest, and so much of the principal as shall be necessary for the support, education and maintenance of the said children, after deducting the one-third thereof and placing it at interest, and the interest thereof to be paid to the said widow; *Provided,* that in case the said children should die without lawful issue, and not leaving a will or wills, lawfully bequeathing the money arising from the sale hereby authorized, that then, and in that case, the money arising under the sale hereby authorized, shall descend in the same manner as if this act had not been passed.

Distribution of
proceeds.

Sec. 3. *And be it enacted,* That before the said Squire Terrell and William D. Stewart shall sell the said real estate, they shall enter into bond to the Governor of this State, with two or more sufficient securities, to be by him approved of in such amount as he shall direct, conditioned for the true and faithful performance of their duties under this act, which bond they shall deposit in the office of the Surrogate of the county of Somerset, to be there filed.

Passed, November 10, 1835.

AN ACT to authorize trustees therein named to sell certain real estate, of which James N. Joralemon died seized.

WHEREAS it is represented that James N. Joralemon, late of the county of Bergen, died intestate, leaving two minor children seized of certain lands, situate on the island of Secaucus, in the said county of Bergen; which lands were conveyed to the said James N. Joralemon, by deed from Garret Van Dien, late sheriff of the said county, bearing date the thirtieth day of April, A. D. eighteen hundred and thirty-four; *And whereas* it is further represented, that the said lands were conveyed to the said James N. Joralemon, to be by him held for the equal benefit of himself and one Gilbert Merritt, of the said county of Bergen; which satisfactorily appears by the admissions of the said James N. Joralemon, in his lifetime, duly proved; *And whereas* the widow, administrators and legal representatives of the said James N. Joralemon, have, by their petition, prayed that trustees may be appointed to sell the said lands, and pay the proceeds thereof, after deducting all the necessary and proper costs and expenses, in equal proportions to the widow and heirs at law of the said James N. Joralemon, and the said Gilbert Merritt; which appears reasonable and just—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Nicholas N. Joralemon and Hartman Vreeland, or the survivor of them, are hereby appointed trustees, with full power and authority to sell, for the best price they can obtain for the same, all the lands contained and conveyed in the said deed from the said Garret Van Dien, late sheriff as aforesaid, to the said James N. Joralemon, which remained unsold at the time of the death of the said James N. Joralemon, and of which he died seized; and upon such sale to make and execute good and sufficient deed or deeds of conveyance in the law for the same, to the purchaser or purchasers thereof.

Trustees authorised to sell lands.

Sec. 2. *And be it enacted,* That the said trustees or the survivor of them, after making sale in manner aforesaid, and after deducting and paying any lawful incumbrance on the said lands, or any part thereof, together with all lawful and proper costs, charges and expenses attending such sale, to be

Distribution of proceeds of sale.

taxed by the Orphans' Court of the said county of Bergen, shall pay the one half of the balance of the proceeds of such sale to the said Gilbert Merritt, or his legal representatives, and shall hold the other half of the said balance, for the use and benefit of the widow and minor children of the said James N. Joralemon, deceased, to be had and received by them respectively as proceeds of real estate of the said intestate, and not to be distributed as personal property.

Trustees to
give bond.

Sec. 3. *And be it enacted*, That the said trustees, before they enter on the duties prescribed by this act, shall enter into a bond to the Governor of this State, with sufficient security, to be approved by the Orphans' Court of the said county of Bergen, conditioned for the faithful performance of the trusts created by this act; which bond shall be filed in the Surrogate's office of said county, for the benefit of all persons lawfully interested in the said lands.

Passed, November 10, 1835.

AN ACT to authorize the sale of the real estate of Elias Morehouse, deceased.

Preamble.

WHEREAS Elias Morehouse, late of the township of Rahway, in the county of Essex, in this State, died siezed of certain real estate, situate in the said township, leaving a last will and testament, duly made and executed, by which he devised the use of said real estate to his sister, Susan Irons, during her natural life, and at her decease, ordered the same to be disposed of and divided equally, share and share alike, among all his brothers' and sisters' children that should then be living, and appointed the said Susan Irons sole executrix of his said last will and testament; *And whereas* the said Susan Irons hath since died intestate, and the Surrogate of the county of Essex hath granted administration *de bonis non* with the will of the said Elias Morehouse annexed, unto Epos L. Whitehead, of the county of Essex; *And whereas* the said will cannot be executed by a sale of said real estate without the aid of this Legislature—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Enos L. Whitehead be, and he is hereby authorized and empowered to sell all the real estate of the said Elias Morehouse, deceased, either at public or private sale, for the best price he can obtain for the same, and to make a good and sufficient deed of conveyance to the purchaser or purchasers thereof.

E. Whitehead
authorized to
sell lands.

Sec. 2. *And be it enacted,* That the said Enos L. Whitehead, before making such sale, shall enter into bond to the Governor of this State, with sufficient surety, to be approved by the Orphans' Court of the county of Essex, for the faithful performance of the trust reposed in him by this act, and after making sale, in manner aforesaid, shall account to the Orphans' Court for the proceeds of said sale, and after a fair and just allowance of all the costs, charges and expenses, of procuring this act, and of making such sale, to be made and allowed by the said court, shall distribute the balance of said proceeds, according to the provisions of the said last will and testament of the said Elias Morehouse, deceased.

Bond to be
given.

Passed, November 10, 1835.

A SUPPLEMENT to the Act entitled "An Act to protect certain real estate in the possession of the State of New-Jersey, in the county of Bergen, and late of John G. Leake, deceased."

WHEREAS, by the act to which this is a supplement, George Cassedy was appointed one of the trustees to do, perform, and execute, the duties and trust in the said act particularly specified; *And whereas* the said George Cassedy hath declined accepting his said appointment, or in any way acting in said trust—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of*

P. A. Kip, appointed trustee in place of G. Cassedy.

the same, That Peter A. Kip be, and he is hereby appointed trustee, in the place and stead of the said George Cassedy, and be clothed with the same power and authority as the said George Cassedy had or might have had under or by authority of the act, entitled "An act to protect certain real property in the possession of the State of New Jersey, in the county of Bergen, and late of John G. Leake," passed February twenty-seventh, one thousand eight hundred and thirty-four.

Passed, November 10, 1835.

AN ACT authorizing the sale of certain real estate where-
of Cornelius D. Van Horn, late of the county of Bergen,
died seized.

Preamble.

WHEREAS Cornelius D. Van Horn, late of Harington, in the county of Bergen, and State of New Jersey, departed this life in the spring of eighteen hundred and thirty-five intestate, leaving a widow and one child; *And whereas* the said intestate died siezed of a small real estate in the said county of Bergen, which consists chiefly of the improvements on the said real estate, the expense of keeping which said improvements in repair will amount to a considerable sum; *And whereas* all parties concerned have made application to the Legislature to pass an act authorizing the sale of the said real estate, and it appearing that the said application is just and ought to be granted—Therefore,

D. J. Haring authorized to sell lands.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Daniel J. Haring be, and he is hereby authorized and empowered, to sell at public auction, all the real estate in the county of Bergen of which Cornelius D. Van Horn above named died seized, first giving notice of the time and place of sale in at least one of the newspapers circulating

in the neighbourhood of said property, for four weeks successively before the day of sale, and setting up advertisements in five or more public places in the said county for the space of two months before the said day of sale; and to execute, make and deliver a good conveyance in law to the purchaser or purchasers for the same, which conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns, all the estate, right, title, and interest, which the said Cornelius D. Van Horn had in the said real estate at the time of his death.

Sec. 2. *And be it enacted*, That the said Daniel J. Haring shall exhibit to the Orphans' Court of the county of Bergen next after the said sale, under oath, an exact statement of the amount of said sale, to be filed in the office of the Surrogate of said county; and the said Orphans' Court, after confirming and approving said sale, and after allowing all just and reasonable costs and charges incurred in the said trust, shall order and direct the said Daniel J. Haring to place out at interest the balance of the proceeds of the said sale, upon good and sufficient security, to be approved of by the said court; and the said Daniel J. Haring shall pay over to Eliza Van Horn, the widow of the said Cornelius D. Van Horn, one-third of the interest of the said proceeds, and shall apply the remainder, or such part of the same, from time to time, to the use of the infant child of the said Cornelius D. Van Horn, as shall be necessary for her maintenance, education, and support; *Provided always*, that if the said minor child shall die before she attains full age, not leaving lawful issue, the said property shall descend in the same manner as though no sale of the said real estate had taken place.

Accounts to
be rendered.

Distribution
of proceeds.

Sec. 3. *And be it enacted*, That the said Daniel J. Haring, before he enters upon the trust reposed in him by this act, shall enter into bond to the Governor of this State, with such surety and in such sum as shall be approved of by the Judges of the Orphans' Court of the county of Bergen; conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the office of the Surrogate of the said county.

Bond to be
given.

Passed, November 10, 1835.

AN ACT to repeal certain chartered rights therein specified, and for other purposes:

Preamble.

WHEREAS Philemon Dickerson, of Paterson, in the county of Essex, by his memorial hath represented, that he hath purchased of Daniel W. Coxe the wing-dam which connects Yard's island with the main land, and his mills situated at Bloomsbury, together with all his rights, privileges, and franchises connected with the same; and that by reason of the recent construction of the race-way and water-power of the Trenton Delaware Falls Company, "The Bloomsbury Wing-dam and Mill Company" will be able to supply their mills for manufacturing purposes with water from said race-way without the aid of their wing-dam, which was created for that purpose; and that he hath made an arrangement with the said "The Trenton Delaware Falls Company," whereby in consideration of receiving the benefit of their water-power, he hath covenanted that so much of the acts incorporating the said "Bloomsbury Wing-dam and Mill Company" as authorises them to keep up said wing-dam be repealed, *Provided* they can be authorised to supply their mills with water from the race-way of the said "The Trenton Delaware Falls Company;" and as such arrangement would be highly beneficial to the parties, and to the public, and the removal of said wing-dam would take away an existing obstruction to the navigation of the Delaware river—Therefore,

Former act repealed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the act entitled "An act to enable Daniel W. Coxe, Samuel Wright, jr., and Peter T. Smith, and the survivors and survivor of them, his or their heirs or assigns, to erect a wing-dam in the river Delaware to connect Yard's island with the main land at Bloomsbury," passed February fourth, eighteen hundred and fifteen, and of the supplement thereto, passed February tenth, eighteen hundred and sixteen, as requires "The Bloomsbury Wing-dam and Mill Company" to keep up a wing-dam to connect Yard's island with the main land, be, and the same is hereby repealed; and that "The Bloomsbury Wing-dam and Mill Company" be hereafter known by the name of "The Bloomsbury Mill Company," and by that name, that they and their successors be, and they are hereby authorised to contract with the said "The Trenton Delaware Falls Company," and

to take, receive, and use, from their said race-way, such water-power as may be necessary for carrying on their manufacturing operations.

Sec. 2. *And be it enacted*, That all the privileges, powers, and franchises granted to "The Bloomsbury Wing-dam and Mill Company," except such as hereby repealed, be, and the same are hereby extended to "The Bloomsbury Mill Company," and continued for the further term of twenty years from and after the term limited in said supplement.

Privileges of
company ex-
tended.

Passed, November 10, 1835.



AN ACT for the support of the Government of this State.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That there shall be paid to the officers appointed for the administration of the government of this state, the several sums following, to wit:

Payment of
officers provi-
ded for.

To the Governor of this state, for the time being, at the rate of two thousand dollars by the year.

The Governor.

To the Chief Justice of the Supreme Court of this state, for the time being, at the rate of twelve hundred dollars by the year.

Judges of Su-
preme Court.

To each of the Associate Justices of the Supreme Court of this state, for the time being, at the rate of eleven hundred dollars by the year.

To the Treasurer of this state, for the time being, at the rate of one thousand dollars by the year.

Treasurer.

To the Law Reporter and Chancery Reporter of this state, for the time being, at the rate of two hundred dollars each, by the year.

Laws and
chancery re-
porters.

To the Attorney General of this state, for the time being, at the rate of eighty dollars by the year.

Attorney Gen-
eral.

To the Quarter-master General of this state, for the time being, at the rate of one hundred dollars by the year.

Quarter Mas-
ter General.

Adjutant General.

To the Adjutant General of this state, for the time being, at the rate of one hundred dollars by the year.

How to be paid.

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators or assigns, on warrants produced to the Treasurer, signed by the Governor or Vice-President of Council; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal; and the salary of his successor shall commence from the time he shall be sworn or affirmed into office.

Members of Council and Assembly.

Sec. 2. *And be it enacted*, That there shall be paid to the Vice-President of Council and Speaker of the House of Assembly, the sum of three dollars and fifty cents, and to every member of Council and Assembly, the sum of three dollars, for each and every day they have respectively attended this, or shall attend any future sitting of the legislature; and to every member of Council and Assembly, the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on a certificate to be produced to the Treasurer, expressing the sum due, and the number of days and miles, signed by the President or Vice-President of Council, for the members of Council, or by the Speaker of the House of Assembly, for the members of Assembly, or by Andrew Parsons, Thomas G. Haight, and William Marshall, Esquires, or any two of them, for the members of Assembly.

How paid.

Secretary of Council and Clerk of Assembly.

Sec. 3. *And be it enacted*, That there shall be paid to the Secretary of Council and Clerk of Assembly, the sum of three dollars and fifty cents, for every day they have respectively attended this present, or may attend any future sitting of this legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of Council and Assembly, and the joint-meeting, in the journal; and eight cents by the sheet, for a copy thereof for the printers, on a certificate produced to the Treasurer, signed by the President or Vice-President of Council, for the secretary of Council; and by the Speaker of the House of Assembly, for the Clerk of Assembly.

How to be paid.

Door keepers and Sergeant at Arms.

Sec. 4. *And be it enacted*, That there shall be paid to the Sergeant-at-Arms, for the time being, who shall attend the Council and the House of Assembly, and to the Door-keepers of Council and the House of Assembly, for the time being, the sum of two dollars, by the day, for each day, on a certificate to be produced to the Treasurer, expressing the sum, and the number of days they have respectively attended,

signed by the President of Council or the Speaker of the House of Assembly.

Sec. 5. *And be it enacted*, That there shall be paid to the Engrossing Clerk, who shall engross the public bills of Council and Assembly, this session of the legislature, at the rate of eight cents by the sheet, computing one hundred words to the sheet, on a certificate of the amount, signed by the President or Vice-President of Council, or by the Speaker of the House of Assembly.

Sec. 6. *And be it enacted*, That this act be, and shall continue in force for one year, from the twenty-seventh day of October, in the year of our Lord, one thousand eight hundred and thirty-five, and no longer.

Passed, November 11, 1835.

AN ACT to defray Incidental Charges.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be lawful for the Treasurer of this state to pay the several persons hereinafter named, the following sums, viz :

Certain incidental charges directed to be paid.

To E. P. Rose, for twenty-one cords of hickory wood, one hundred and twenty-six dollars.

To William Hancock, for stoves and sundry repairs, thirty-eight dollars and thirty cents.

To John R. Smith, for bill of penknives and sundries, sixty-one dollars and forty-eight cents.

To ditto, for oil, emery, &c. two dollars and forty-nine cents.

To William Robinson, for cleaning guns, splitting wood, &c. one hundred and eighty dollars.

To Samuel Newbold, for twenty-three tons of coal, one hundred and twenty-six dollars.

To Thomas Combs, for overlooking state house, buying wood, &c. twenty-five dollars and twenty-five cents.

To Samuel Roberts, for cutting wood and breaking coal, thirty dollars.

To Joseph A. Yard, for oil, five dollars.

To Samuel B. Scattergood, for services as Sergeant-at-Arms, &c. eight dollars.

To Benjamin F. Vancleve, for printing laws passed by the legislature of eighteen hundred and thirty-four and five, fifteen dollars.

To Daniel Childs, for sundry repairs to state house, five dollars.

To Joseph Justice, for current printing during the present session of the legislature, one hundred and thirty-six dollars and thirty-two cents.

To Joseph Justice, for sundry printing from February twenty-one, eighteen hundred and thirty-five, to November sixth, eighteen hundred and thirty-five; also, for stationary, &c. supplied the legislature, two hundred and nine dollars and eighty-eight cents.

To Andrew Newton, for setting glass, painting, &c. at state house, twenty-one dollars and twenty-one cents.

To R. Sterling, for merchandize, twelve dollars and sixty-five cents.

Passed, November 11, 1835.

JOINT RESOLUTIONS.

RESOLVED *by the Council and General Assembly of this State*, That Joseph Justice be appointed to print the bills and current printing of the two Houses, at the following rates :

Printer of bills appointed.

For the bills and other current printing, at least thirty lines per page in pica type, on the best foolscap paper that can be procured at three dollars per ream, the sum of three dollars and fifty cents per sheet.

Passed, October 29, 1835.

RESOLVED *by the Council and General Assembly*, That Joseph C. Potts be appointed to engross the bills and resolutions of both Houses during the present sitting of the legislature.

Engrossing clerk appointed.

Passed, November 3, 1835.

WHEREAS in all representative governments, the sovereignty of the people is an indisputable truth; they have a right, and it is their duty, upon all proper occasions, to instruct their representatives in the duties which they require them to perform—Therefore,

BE IT RESOLVED *by the Council and General Assembly of the State of New Jersey*, That our senators in Congress be, and they are hereby instructed, to vote for, and use their influence to, have expunged from the Journal of the United

Senators instructed to vote for expunging resolutions.

States Senate, the Resolution passed on the 28th day of March, 1834, declaring "That the President in the late Executive proceedings, in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both," the same having passed that body without warrant of law.

To vote against a re-charter of the bank of the U. S.

Resolved, That our senators in Congress be, and they are hereby instructed, and our representatives in Congress requested, to vote against the recharter of the Bank of the United States, and against the chartering any other bank or similar institution.

Resolutions to be laid before congress.

Resolved, That the particular attention of our senators be called to the foregoing resolutions, and that they be respectfully requested to conform thereto, or resign their seats in the Senate of the United States.

Resolved, That our senators and representatives in Congress, be requested to lay before Congress the foregoing resolutions.

Governor to forward resolutions.

Resolved, That the Governor of this state be requested to forward a copy of the above resolutions to each of our senators and representatives in Congress, at the opening of their next session.

Passed, November 7, 1835.

Printer of minutes of Assembly.

1. *Resolved by the Council and General Assembly of this State*, That Bernard Connelly, of Freehold, be employed to print the votes and proceedings of the Assembly of the present session; that he print thirteen hundred copies thereof and be paid therefor the sum of twenty-two dollars per sheet.

Printer of Journal of Council.

2. *Resolved*, That Gore and Atkinson, of Somerville, be employed to print the journal of the proceedings of the Legislative Council and of joint meeting of the present session; that they print thirteen hundred copies thereof, and be paid therefor the sum of twenty-two dollars per sheet.

Printer of laws.

3. *Resolved*, That Samuel P. Hull, of Morristown, be employed to print sixteen hundred copies of the laws of the present session of the legislature, on the large octavo pages

heretofore used; and that he be paid therefor the sum of thirty-two dollars per sheet.

4. *Resolved*, That Joseph Pugh, of Mount Holly, be employed to print sixteen hundred copies of the law reports, at thirty-two dollars per sheet; and that Edward Sanderson be employed to print the chancery reports, the same number of copies, and at the same prices as the law reports; and that both reports shall be printed on as good paper, and with the large octavo pages heretofore used.

Printer of
Law Reports.

Printer of
Chancery Re-
ports.

5. *Resolved*, That the printers named in the above resolutions, and each and every of them, shall, before they enter upon the duties of printing, as aforesaid, enter into bond to the treasurer of this state, in such sums as he shall require, and with such security as he shall approve of, for the true and faithful performance of their respective duties.

Printers to
give bond,

Passed, November 10, 1835.

ACTS
OF THE
SIXTIETH
GENERAL ASSEMBLY

OF THE
State of New-Jersey,

AT A SESSION BEGUN AT TRENTON, ON THE FIFTH DAY OF JANUARY,
EIGHTEEN HUNDRED AND THIRTY-SIX.

BEING THE SECOND SITTING.



TRENTON:
WILLIAM BOSWELL, PRINTER.

1836.

ACTS
OF THE
SIXTIETH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

**AN ACT to authorize trustees therein named to sell the
real estate of John P. Ackerman, deceased.**

WHEREAS it is represented that John P. Ackerman, late of the county of Bergen, in the state of New Jersey, died intestate, seized of two certain tracts or parcels of land, situate in the township of Franklin, in the county aforesaid, containing forty-five acres, more or less, and leaving a widow and four children, one of which children is since deceased; *And whereas* it is farther represented that said estate is depreciating in value, and will probably continue to depreciate; and that it may be sold at this time for a sum, the interest of which will far exceed the yearly value of said real estate; and, consequently, that it is greatly to the interest and advantage of the said heirs at law, that the same should be sold; *And whereas* it is farther represented, that the yearly profits of said estate are entirely inadequate to the decent maintenance and education of said children; and that, by reason of their minority, they are unable to join in the execution of a deed for the premises;—And for these reasons, Rachel Ackerman, the widow of the said John P. Ackerman, deceased, having made application on behalf of said minor children, praying a law appointing a trustee or trustees to sell said real estate; which application appears reasonable and just, and greatly for the interest and advantage of said heirs at law—Therefore,

Trustees au-
thorized to sell
real estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Cornelius A. Hopper and Rachel Ackerman be, and they are hereby appointed trustees, with full power and authority to sell, at public sale, giving notice of the time and place of such sale in a newspaper circulating in the neighborhood of said lands, and also by advertisements put up in five or more public places in said county, at least four weeks before the day of sale, for the best price they can obtain, all the right, title and interest which Eliza Ackerman, Peter Ackerman, and Margaret Ackerman, heirs at law of John P. Ackerman, deceased, late of the county of Bergen, have in the real estate of the said John P. Ackerman, deceased; and after such sale thereof, the same, having been approved by the Orphans' Court of the county of Bergen, to make and execute good and sufficient deeds of conveyance for the same to the purchaser or purchasers.

Trustees to
account to
Orphans'
Court.

Distribution
of proceeds

Sec. 2. *And be it enacted,* That the said trustees, after making sale in manner aforesaid, shall account to the Orphans' Court of the county of Bergen, at the term next succeeding such sale, for the proceeds of such sale; and after a fair and just allowance of all costs, charges and expenses attending such sale, being made by the court, shall invest the balance of said proceeds at interest, on bond and mortgage, or other good and sufficient security, under the direction of the Orphans' Court of the county of Bergen; and the said trustees shall pay to the widow of the said John P. Ackerman, deceased, during her natural life, the one-third of the interest of the net proceeds of the sale of the said real estate; and the interest on the remaining two-thirds of the said net proceeds shall be paid by the said trustees to the guardian or guardians of the said minor children during their minority, for their maintenance, education, and support; and after the said child or children shall arrive at full age, then the said two-thirds of the said money shall be paid to them or their legal representatives, share and share alike; but if the said widow shall have deceased at the time the said children shall have arrived at full age, then and in that case the whole of the said net proceeds of said sale shall be divided between the said children or their legal representatives, share and share alike; and after the decease of the said widow the said one-third of the said net proceeds shall be divided between the said children or their legal representatives, share and share alike; *Provided* they shall be of lawful age; *And provided also,* that in case the said minor children shall die before attaining their full age, not leaving lawful issue or having made a will or wills disposing of the same, the descent of

the proceeds of the said real estate shall be the same as if no sales of the real estate had taken place.

Sec. 3. *And be it enacted*, That the said trustees shall, before they enter upon the duties prescribed by this act, enter into bond to the governor of this state, with sufficient security, to be approved by the Orphans' Court of the county of Bergen, conditioned for the faithful performance of said trust; which bond shall be filed in the surrogate's office of said county, for the benefit of said heirs.

Trustees to
give bond.

Passed, January 12, 1836,

AN ACT to incorporate The "Salem, Delaware, and Philadelphia Steamboat Company."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That Jacob Ridgway, Isaac Reeves, Philip Reybold, Robert Polk, Matthew Keasby, John Hall, and all such persons as now are, or shall hereafter become stockholders in a company now forming, and building a steamboat to run from Salem to the city of Philadelphia, touching at Delaware City, and other points on the river Delaware, and their successors and assigns, be, and they hereby are, made and declared to be a corporation and body politic, by the name, title, and designation of "The Salem, Delaware, and Philadelphia, Steamboat Company," and by that name may have continual succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and shall have full right, power, and legal authority to purchase, build, hold, occupy, and convey any steamboats, lands, tenements, hereditaments, and real and personal estate whatsoever, which shall be necessary to carry into effect the objects of the said corporation.

Style of incor-
poration.

Sec. 3. *And be it enacted*, That the capital stock of the said corporation, shall not exceed the sum of one hundred

Amount of
capital.

How to be employed.

thousand dollars, which shall be divided into shares of one hundred dollars each; and shall be employed and vested in the purchase, or the building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, tackle, and apparatus; and in the repairs necessary thereto, from time to time, and in the purchase of real estate, and the construction thereon of suitable storehouses and other buildings, for the safe keeping and preservation of goods, wares, and merchandize, transported or owned by said corporation; and in the construction of wharves, docks, and landing places, for the boats of said corporation, and for such other purposes, as may be necessary and convenient for steamboat navigation; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferrable upon the books of said corporation, agreeably to the by-laws for that purpose to be made and adopted.

Books of subscription to be opened.

Manner in which stock is to be paid in.

Sec. 3. *And be it enacted*, That the board of directors, named in the fifth section of this act, shall have power to open books of subscription to said stock, at such time or times, and place or places as they, or a majority of them, shall think proper, giving at least thirty days notice of the time and place of their meeting, and at the time of subscription to said stock, ten dollars on each share subscribed shall be paid to the said directors, in gold or silver coin, or current bank notes, and whenever ten thousand dollars shall be subscribed and paid in, or expended on said boat, the said company shall be considered fully organized, and may proceed to elect their officers, and the board of directors shall and may call in the residue of said stock, at such times as they shall deem expedient, giving thirty days notice before the same shall be payable, in one newspaper printed in Salem, and one in Philadelphia, but not more than ten dollars on each share shall be called for at any one time; and the said corporation shall have power to make, ordain, and establish such by-laws, rules, and regulations, for the said company, as to them shall seem expedient, and not inconsistent with the laws of this state, or the United States.

Mode of electing directors.

Sec. 4. *And be it enacted*, That the affairs, property, and concerns of the said corporation, shall be conducted by six directors, to be chosen annually, by ballot, by the stockholders, either in person or by proxy; and in the choice of directors, each share shall be entitled to one vote; should a vacancy at any time occur in the board of directors, the place to be supplied by an appointment by the remaining directors until the next annual election; the first election for directors, under this charter, shall be held at Salem, on the fifteenth day of December next ensuing the passage of this act, twen-

ty days notice being first given thereof in a newspaper published at Philadelphia, and also the like notice in a newspaper published at Salem; and the stockholders when met, to choose three disinterested persons as judges of election; and all future elections of directors for said corporation, shall be held annually, at such time and place as the by-laws shall direct.

Sec. 5. *And be it enacted,* That Jacob Ridgway, Isaac Reeves, Philip Reybold, Robert Polk, Matthew Keasby, and John Hall, shall be, and they are hereby declared to be the directors of the said corporation, from the passage of this act until the election is held, as is provided for in the foregoing section; that the board of directors for the time being, shall have power to elect a president, who shall be a director, a treasurer and all such other officers and agents, and to employ such workmen, artificers, and laborers, as shall be necessary to carry into effect, and execute all the powers by this act granted to the said corporation, and to allow such compensation as shall be agreed upon, and if they judge it necessary, to exact and take from their officers and agents, bonds for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts.

First directors.

Powers of directors.

Sec. 6. *And be it enacted,* That the president shall preside at all meetings of the said corporation, and if absent, his place may be supplied for the time he is absent, by the election of any one of the directors; that the directors of the said corporation shall have power by their by-laws to fix, determine, and regulate, the prices of transportation of passengers, goods, wares, and merchandize, wagons, carriages, horses, cattle, stock of every description, or other articles that shall be transported in the boat, or boats of said corporation; and that the said board of directors shall, from time to time, declare dividends of so much of the profits of the said corporation, as they may deem advisable, and pay the same over to the persons entitled thereto, but no part of the capital stock shall be divided during the continuance of this charter.

Powers and duties of directors.

Dividends to be made.

Sec. 7. *And be it enacted,* That if any subscriber or subscribers to the capital stock of this company, neglects or refuses to pay any instalment or instalments on the number of shares which he or they may have subscribed, or holders thereof, for the space of thirty days after the same may have been called for and appointed for the payment thereof, by the president and directors, by an advertisement in one newspaper in Salem, and one in Philadelphia, for the space of thirty days previous thereto, that in such case the president and directors, may either declare such share or shares forfeited,

Stock forfeited on failure to pay instalments.

and shall have full power and authority to sell and dispose of the same, for the use, benefit, and advantage of the said company; or they may, in the name of the said corporation, sue for and recover the sum or sums so remaining unpaid, with costs and interest thereon; and that such delinquents shall not, during the time that any of the instalments aforesaid being due and remaining unpaid, be entitled to vote at any meeting of the stockholders, or to receive any dividend thereon.

Corporation
not dissolved
on failure to
elect officers
on day pre-
scribed.

Sec. 8. *And be it enacted*, That if an election of directors shall not be made during the day when, pursuant to the act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid, and the directors for the time being shall continue in all cases to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Capital not to
be employed
for banking
purposes.

Sec. 9. *And be it enacted*, That the said corporation shall not use or employ any part of the capital stock, or other funds for banking or other purposes, not clearly indicated in the act, under the penalty of an immediate forfeiture of the charter.

Act may be
altered or
repealed.

Sec. 10. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act; and this act shall continue in operation thirty years, and no longer.

Passed, January 19, 1836.

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AN ACT to provide for a succession of trustees for the Cooper town meeting house and burial ground, and for other purposes.

WHEREAS it has been represented to this legislature that a certain deed of trust made and executed by Charles W.

Fetters and Lydia his wife, dated the tenth day of August, in the year of our Lord one thousand eight hundred and two, for one acre and three roods of land, in the township of Willingborough, in the county of Burlington, to certain trustees therein named, twelve in number, for the purpose of building a house thereon for Divine worship, and also for a place for the burial of the dead, does not provide for a succession of trustees in the event of the death, resignation or removal of those so appointed; and for want of such provision it might hereafter occur that the original object of the grant would be defeated, for remedy whereof and that a succession of trustees may be continued and forever perpetuated—Therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for George Wiegand, Daniel Newton, Richard Heaton, Isaac Perkins, William Adams, and John Hamell, the surviving trustees in the said deed of trust, to meet at the Coopertown meeting house, in the township of Willingborough, in the county of Burlington, on the first seventh day of April next, at two o'clock, P. M., and when so met, or the majority of those who may thus meet, to proceed to elect and choose six or more reputable freeholders, residents of said township of Willingborough, as trustees, to supply the vacancy of those who have deceased; which said election or choice shall be entered in a book to be provided for that purpose, together with fair minutes of the proceedings of this and all subsequent proceedings of the said trustees and their successors: And in case of death, resignation, or removal out of the county of Burlington, of either one or more of the aforesaid trustees, or trustees authorized to be chosen or elected by this act, then it shall be the duty of the majority of the surviving trustees, at their annual meeting, which they are hereby authorized and required to hold on each and every first seventh day of April as aforesaid, to elect or choose one or more fit person or persons, residents of said township of Willingborough, and being a freeholder or freeholders, to fill such vacancy or vacancies.

Mode of electing trustees.

Sec. 2. *And be it enacted,* That the trustees thus appointed, and all such as may be appointed hereafter, and their successors, shall and may have continual and perpetual succession, and be a body corporate, invested with full power and authority to hold, have and retain the said meeting house and burial ground, with all and singular the appurtenances, in trust nevertheless for the free use of all persons professing a belief in the divinity of Jesus Christ and desirous of peaceably and orderly assembling there for religious devotion and

Powers and duties of trustees.

edification, and also for a place for the free and common burial of the dead: And they shall be, and hereby are invested with all the rights, powers and privileges which are created, or were meant and intended to be created by the deed of trust aforesaid.

Passed January 21, 1836.

**AN ACT to divorce Abraham C. Schenck from his wife,
Ann W. Schenck.**

A. C. Schenck
and Ann W.
Schenck di-
vored.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Abraham C. Schenck, of the county of Somerset, be, and he is hereby divorced from his wife, Ann W. Schenck, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed, January 23, 1835.

**AN ACT concerning a body of Meadow, on the westerly
side of Oldman's creek, in the county of Salem.**

Name of com-
pany.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of all that tract of meadow and marsh, lying and being on the westerly side of Oldman's creek, in the township of Upper Penn's Neck, in the county of Salem, beginning at the fast land of Joseph Borden, near the old ship

yard, on Oldman's creek, and to run from thence up said creek the several courses thereof, to the cross bank, near the line of lands of James Wiser and William H. Pedrick, thence along said cross bank the courses thereof, to the fast land of James Wiser, and from thence along the edge of the fast land, the several courses and distances thereof, to the beginning, to be, and they are hereby formed into a company, to be known by the name of "The Borden Meadow Company, on Oldman's Creek."

Sec. 2. *And be it enacted*, That a meeting of the said company shall be held on the first Monday in April of each and every year: the first meeting to be held at the inn of William R. Pedrick, in Pedricktown, in the county of Salem, between the hours of two and five o'clock in the afternoon; and afterwards at such place as the said company shall, at their annual meetings, from time to time, order and direct; and then and there, by a plurality of the votes of the owners or possessors present, shall choose two persons for managers of the said company for the ensuing year, each to be an owner or possessor of at least two acres of meadow, in said company; and that Samuel Linch and David Shoemaker shall be, and they are hereby appointed managers of the said company, until the next annual meeting of said company after the passing of this act, or until others shall be chosen in their stead; and also at the same time and in like manner, shall choose three disinterested men for commissioners to continue in office until others are chosen; but in case the said company shall neglect or omit, at any time, to hold an annual meeting, or in case at an annual meeting, they shall neglect to choose the said officers, or any of them, or in case of death, refusal to serve, or inability of any person or persons chosen, it shall then be lawful for either of the managers, for the time being, or any three of the said company, to call a special meeting of said company, by giving at least ten days notice thereof, by advertisements set up in three of the most public places in the neighborhood of the said company, setting forth the time and place of meeting, and when met to choose, by plurality of votes of those present, a manager or managers, a commissioner or commissioners, as the case may require, who shall have the same powers, and receive the same fees, and be subject to the same penalties, as if chosen at an annual meeting of the said company; and the said company, at any of their meetings, may order and direct, from time to time, what sums of money shall be raised, by the said company, for the purpose of defraying the expense of repairing, and keeping in repair, the banks of the said meadow, and for erecting wharves for the preservation of the said banks, and for the

Time and
place of meet-
ing of compa-
ny.

Managers
and commis-
sioners to be
elected.

laying of new sluices, erecting sluice dams, and other necessary water works, and for the purpose of paying the fees of the officers, and for other expenses of the said company; which shall be assessed upon the owners or possessors of the said meadow, according to the quantity of the meadow by them respectively owned or possessed.

Duties of commissioners.

Sec. 3. *And be it enacted,* That it shall be the duty of the commissioners, within thirty days after the first annual meeting of the said company, to cause an accurate survey and map of the said meadow to be made, designating the lots and quantities of the respective owners, and lay off and allot to each owner or possessor, the part or share of the creek bank which he, she or they are to keep up and maintain, and report the same, in writing, under their hands, to the manager, who is hereby required to enter the same at large in the company's book; and further, it shall be the duty of the commissioners to hear and determine all disputes that shall arise between the managers, or between the managers and any of the owners or possessors of the said meadow, concerning the laying of new sluices, or opening of new water courses, or the maintenance or removal of any bank, or concerning assessments, or any other matters touching the interest of any of the said owners or possessors, who, after hearing the parties and viewing the premises, shall give judgment in writing, and the managers are directed to act according thereto: but if either party shall think himself or herself aggrieved by the said judgment, they may choose three other commissioners, that is, the disputing parties, each may choose one, and the managers one, who, together with the original commissioners, shall give them a re-hearing, and the judgment of any four of them, in writing, shall be conclusive to the parties, as well with respect to costs, as the matter in dispute, and the present and future managers shall be bound to act accordingly.

Parties aggrieved may choose other commissioners.

Banks to be maintained by owners as allotted to them.

Sec. 4. *And be it enacted,* That each and every owner or possessor of meadow lying within the bounds of the said company, shall make, repair, maintain and keep in good order, all the bank which may be laid off and allotted to them respectively, by the commissioners, as directed in the third section of this act; and that all sluices already laid, or which shall hereafter be laid by virtue of this act, with two rods of bank or dam over each sluice, shall be laid and maintained at the expense of all the owners or possessors of meadow within the bounds of the said company, according to the quantity of meadow so held by them.

Sec. 5. *And be it enacted,* That it shall be the duty of the managers of the said company, for the time being, to provide

a book, at the expense of the company, and to enter therein the minutes of the proceedings of their meetings, and in which shall be recorded all such judgments or decisions as may be rendered by the commissioners under the third section of this act, and that they shall assess upon all the owners or possessors of the said meadow, all moneys that the said company shall, from time to time, order and direct to be raised, in manner as is herein before directed, and shall collect the same; and when any of the said owners or possessors shall neglect or refuse to pay his, her or their ratable proportion of the said assessment for the space of ten days after notice given thereof, in writing, by one of the managers, it shall then be the duty of the managers for the time being, to advertise the meadow of such owner or owners, possessor or possessors, by advertisements set up in five of the most public places in the neighborhood of the said meadow, for the space of thirty days, and to sell at public vendue, and to execute a lease or leases for the said meadow, for as long a time and no longer, as will be sufficient to discharge his, her or their ratable proportion of the said assessment, and also the cost and expenses of advertising and making the sale or sales, and executing the said lease or leases for the same, which sale or or sales, lease or leases, so made and executed, shall be as good and as effectual in law, as if made and executed by the owners or possessors themselves: but in all cases when the managers shall find upon the meadow of such delinquent owner or owners, possessor or possessors, any hay, grass or grain, to him, her or them belonging, sufficient to make the amount of such demand as aforesaid, it shall be the duty of the managers to make sale of as much thereof, at public vendue, in the same manner as is herein before directed, as will satisfy and discharge his, her or their ratable proportion of the said assessment, and also the expenses of advertising and making the sale or sales, and return the surplus money, if any, to the said delinquent owner or owners, possessor or possessors; and it shall be the duty of the managers, for the time being, to view the banks and water works once every three months; and in case any owner or possessor shall neglect or refuse to keep up and maintain the part or parts of the creek bank, as is assigned him, her or them as aforesaid for maintenance, it shall be the duty of the managers to give the said owner or owners, possessor or possessors, notice in writing, to repair the same, and if the said owner or owners, possessor or possessors, shall still neglect or refuse to mend or repair the said bank for the space of ten days (but in case of a breach or breaches immediately) after such notice from the managers as aforesaid, it shall then be the duty of the said managers to mend or repair the same, and charge the

Minutes of proceedings to be kept.

Meadows may be leased for payment of assessments.

How banks sluices to be maintained.

Duty of managers when company agree to admit the tide on meadows.

cost thereof to the owner or owners, possessor or possessors of the meadow to which the maintenance of the said bank belongs, and shall collect the same in the manner as is above prescribed for the collection of taxes; and if the said company shall agree to admit the tide upon the said meadow, for the purpose of improving the same, it shall be the duty of the managers to cut as many breaches in the bank for that purpose, as the said company shall order and direct; and it shall be the duty of the managers for the time being, to stop the said breaches, to put in sluices, and erect other necessary water works sufficient to keep out the tide, and keep the said meadow dry, whenever the said company shall agree to re-embank the said meadow; and it shall also be the duty of the managers for the time being, and they are hereby required, at each and every annual meeting of the said company, to produce the duplicate of the assessments of the preceding year, and then and there render a just and true account of all moneys by them received and expended for the use of said company, and of the services they shall have rendered the company during the preceding year, and pay over the balance in their hands, if any there be, to their successors in office: but if they, or either of them, shall neglect or refuse so to account, or pay, then it shall be the duty of their successors in office, and they are hereby authorized to sue and recover of such delinquent manager or managers, all moneys due from them or either or them, to the said company, together with costs of suit, in an action of debt, in any court having cognizance of the same.

Assent of two-thirds of owners required to admit the tide on meadows.

Sec. 6. *And be it enacted*, That for the purpose of improving the said meadow, it shall be lawful for the owners or possessors of two-thirds thereof, to let the tide water on the said meadow by cutting the bank in as many places, and at any time by them agreed upon, at an annual meeting of the said company, and to continue the same thereon until the owners of two-thirds of the said meadow shall agree to re-embank the same; and the said company, at any of their meetings, after having thus agreed to let in the tide water upon the said meadow, or to re-embank the same, shall by a plurality of votes of the owners or possessors of the meadow present, order and direct what sums of money shall be raised for those purposes.

Owners may cut extra breaches in the bank.

Sec. 7. *And be it enacted*, That when the said meadow shall be inundated by the tide for the purpose of improving the same, the owners shall have the privilege to cut as many extra breaches in the bank, in front of his or their meadow, as he, she, or they may think proper, upon the condition that they respectively shall stop the same at their own expense,

when the managers of the said company, shall be ordered to re-embank the said meadow; but if the owners or possessors of the meadow for which the said extra breaches were cut to benefit, or any of them shall neglect or refuse to stop the same, for the space of ten days after notice given him, her, or them in writing, or left at his, her or their usual place or places of abode, by one of the managers, it shall then be the duty of the managers for the time being, to stop the said extra breaches, and charge the cost thereof to such of the owners or possessors of the meadow for which the said extra breaches were cut to benefit, and shall collect the same in the manner prescribed in the fifth section of this act for the collection of taxes.

Sec. 8. *And be it enacted*, That all ditches and water courses in the said meadow shall be opened and kept open by the owners or possessors, respectively, through whose meadow they may run; and where there are line ditches or water courses, running between any two or more owners or possessors of meadow, it shall be the duty of such owner or owners, possessor or possessors, to open, and keep the same open, by throwing the mud and earth out of the said ditches and water courses, as equally as may be on each side thereof, each owner or possessor to keep open one half of each line ditch, or water course bounding on his, her or their meadow; and it shall be the duty of each owner or possessor through whose meadow any private road or roads are laid, or may hereafter be laid, to throw the mud or earth out of the ditches by the side or sides of the said road or roads into the said road or roads; and further, it shall be the duty of each and every owner or possessor of meadow in the said company adjoining the creek, to mow or trim all the bank fronting his, her or their meadow, and clear the same of all kinds of rubbish, once between the first day of June and the fourth day of July, and once between the first day of September and the first day of October, in each and every year, and in case any of the said owners or possessors shall neglect or refuse to perform any of the duties herein before specified, after ten days notice given by one of the managers in writing, setting forth the duties required of him, her, or them, it shall then be the duty of the managers, for the time being, or either of them, to have the said work done, and to present his or their account for the same, to such delinquent owner or owners, possessor or possessors, and upon he, she, or they, neglecting or refusing to pay the same, then either of the managers, for the time being, are required to collect the same, in the same manner as they are in the fifth section of this act authorized to collect taxes.

Manner in which ditches and water courses are to be kept open.

Penalty for
manager ne-
glecting duty.

Proviso.

Sec. 9. *And be it enacted*, That if any person duly appointed a manager or commissioner of, or in the said company, shall neglect or refuse to perform any of the duties required of him or them by this act shall, for every such refusal or neglect, forfeit and pay the sum of five dollars, to be recovered in an action of debt by any owner or possessor who shall sue for the same, with cost of suit; and the said owner or possessor shall pay over all such forfeitures, which he, she, or they shall so recover to the next succeeding managers, for the use of the said company; *Provided always*, that no manager shall be liable to be prosecuted until he, or they, shall have had ten days notice given him, or them, in writing, by one of the owners or possessors of the case requiring his or their attention; and if it be for work ordered to be done by the company, not without he or they shall have funds of the said company in his or their hands sufficient to defray the expense of his or their required duty; *and provided also*, that no commissioner shall be liable to any forfeiture for neglect of hearing and determining any disputes as mentioned in the third section of this act, until he or they shall have had ten days notice given him or them in writing, or left at his or their usual place or places of abode, by one of the parties in dispute, of the case requiring his or their attention.

Pay of managers.

Sec. 10. *And be it enacted*, That each of the managers and commissioners, shall be entitled to one dollar for each day they shall be attending to the business of the said company.

What line
ditches are as
lawful fence.

Sec. 11. *And be it enacted*, That all line or division ditches, or water courses in the said meadow, between any of the owners or possessors, that are nine feet wide at the top, five feet wide at the bottom, and three feet deep, from the surface of the meadow, and lying on a mud or miry bottom, shall be taken and considered to be lawful ditches: and for all trespasses, done over or through them, damages shall be recoverable as if done over or through any lawful fence.

Managers to
drain the mea-
dows.

Sec. 12. *And be it enacted*, That it shall be the further duty of the managers, chosen agreeable to this act, to lay as many sluices in the bank, and open drains thereto, as shall be sufficient to drain every part of the said meadow, and to see that the said drains are kept clear so as to effect the draining of the said meadow, charging the expense of the sluices to the company, and the expense of the water courses to the owners or possessors of the meadow through which the same may pass, and the expense thereof shall be recovered as directed in the fifth section of this act; and if any ditch or water course directed by the said managers to be kept open, shall become stopped, or any obstruction placed therein,

with design to stop the water, then it shall be the duty of the managers, or either of them, to give notice thereof to the owner or possessor, and if such obstruction be suffered to remain for the space of five days after notice, the owner, possessor, or person offending, shall forfeit and pay the sum of five dollars for each day the said obstruction may remain, to be recovered by either of the managers in the manner directed by the fifth section of this act, and the money applied to the removing the said obstructions, and the overplus, if any, to repairing sluices or any other expenses of the said company.

Sec. 13. *And be it enacted*, That the cross bank at the upper end of the said company, shall be put up and maintained at the joint expense of the said company, and the owner or owners, possessor or possessors of the meadow, between the said cross bank, and the lower road over Beaver Creek, in proportion to the number of acres in each company, by a tax on all the meadows in the said companies, to be recoverable agreeable to the directions of the fifth section of this act; and the managers are authorized to take mud or earth for the use of the said cross bank, where it shall be most convenient and least injurious to the owners.

Manner in which cross bank is to be maintained.

Sec. 14. *And be it enacted*, That all the meadow, which is included in the said company, shall be held liable for all the expenses of any repairs which may be done on the banks belonging to the same, or work done on the water courses by the managers, agreeable to the directions of this act, any judgment or execution, or any sale or alienation of the property, in any wise notwithstanding.

Meadow to be liable for expenses.

Sec. 15. *And be it enacted*, That in putting up and repairing the creek bank, the managers or any owner or possessor having bank laid off to him, her, or them, for to keep up and maintain, are authorized to take mud or earth for the use of the said bank, where it shall be most convenient and least injurious to the owners of the meadow.

Privilege in repairing creek bank.

Sec. 16. *And be it enacted*, That in all cases of an election of officers, or for other purposes, the mode of voting shall be in person, or by proxy, in writing duly executed, in the following ratio: any person owning or possessing any quantity of meadow in said company, under ten acres, shall be entitled to one vote; ten acres and under twenty, two votes; twenty acres and under forty, three votes; forty acres and under eighty, four votes; eighty acres and upwards, five votes.

Mode of voting for officers.

Sec. 17. *And be it enacted*, That the act entitled "an act to enable the owners and possessors of the marshes and meadow, lying on Oldman's Creek, known by the name of Bea-

Former act repealed.

Proviso.

- ver Creek Meadows, in the township of Upper Penn's Neck, in the county of Salem, to repair, keep up and maintain the banks, dams, and water works enclosing the same" passed the thirty-first day of May, seventeen hundred and eighty-seven, be and the same is hereby repealed: *provided*, that the repeal shall not affect any interest or suits vested or pending under the act hereby repealed.

Passed, January 26, 1836.

AN ACT to provide for the establishment of Public Schools, in the township of Paterson, in the county of Essex.

Election of trustees.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of of the same,* That from and after the passage of this act, it shall be lawful for the inhabitants of the township of Paterson, at their annual town meetings, to elect not more than nine, nor less than five, persons to serve as trustees of the public school or schools of the said township.

Duties of trustees.

Sec. 2. *And be it enacted,* That it shall be the duty of the said trustees to establish one or more public schools within the township of Paterson, and to provide as far as their means may extend for the education of all children in the said township not otherwise provided for, whether such children be or be not the proper objects of gratuitous education.

Application of moneys received.

Sec. 3. *And be it enacted,* That the portion of the money appropriated by the State for the support of common schools, which may become due to the township of Paterson, and also such other sum or sums of money as the inhabitants of the said township may raise by tax for the use of the public schools, shall be paid over by the township collector to the said trustees; and that it shall also be lawful for the said trustees to require of the pupils received into the schools under their charge, a moderate compensation adapted to the ability of the parents of such children; all of which moneys

shall be applied to the erection, purchase or rent of school houses, the payment of teachers' salaries, and to the defraying of such other expenses as may be incident to the education of children; *Provided*, that such compensation may be remitted by the trustees, in all cases in which they shall deem it proper to do so; *And provided further*, that no child shall be denied the benefit of the said public school on the ground of inability to pay for the same, but shall at all times be freely received and educated by the said trustees.

Provided.

Provided.

Sec. 4. *And be it enacted*, That it shall be lawful for the said trustees, or a majority of them, to make all such by-laws, rules and regulations, for the government and administration of said schools, as they may deem requisite, and also to nominate and appoint one or more teachers or instructors to take charge of the said school or schools, under the care and direction of the said trustees, and also to appoint such other officers or servants as they may think necessary; and to allow and fix their respective compensations; and such teachers, instructors, officers and servants, or any of them, at their pleasure, to dismiss and discharge, and to appoint another or others in their stead.

Trustees may make by-laws and appoint teachers.

Sec. 5. *And be it enacted*, That it shall be the duty of the said trustees to report annually to the town meeting, a particular account of the said school or schools under their care, and of the moneys received and expended by them during the year, so as to exhibit a full and perfect statement of the condition of the said schools; and a copy of which report shall be transmitted to the board of chosen freeholders of the county of Essex, and also to the trustees of the school fund.

Trustees to report the state of the schools annually.

Sec. 6. *And be it enacted*, That whenever, in the opinion of the said trustees, it may be expedient to accept, purchase, erect, or sell any lot or building, or both, for the use of the said public schools, they shall call a meeting of the town committee; and if the said committee agree to the same, the requisite contract or conveyance shall be made by or to the town committee, in the name and on behalf of the township of Paterson, for the use of the trustees of the public schools.

Mode of acquiring or selling lands.

Sec. 7. *And be it enacted*, That so much of the act entitled "An act relating to common schools," passed the sixteenth of February, eighteen hundred and thirty-one, as interferes with, or is repugnant to the provision of this act, be, and the same is hereby repealed, as far as the township of Paterson is concerned, and no further.

Part of former act repealed.

Sec. 8. *And be it enacted*, That this act shall be, and hereby is declared a public act.

Public act.

Passed, January 26, 1836.

AN ACT to incorporate the Hackettstown Fire Engine Company.

Style of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William McCracken, John Bird, George Colclough, John Vandoren, A. E. Guild, Mark Fleming, William Everitt, Benjamin Dickerson, John Rusling, James F. Compton, Robert Rusling, Henry H. Henderson, Peter Werts, William Bounting, Edward Bird, Ephraim D. Cramer, John H. Crane, Reading Bell, and all such other persons not exceeding fifty, as are, or shall become associates of the Hackettstown Fire Engine Company, be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Hackettstown Fire Engine Company."

Powers of corporation.

Sec. 2. *And be it enacted,* That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature, whatsoever; and that they and their successors, respectively, may have and use a common seal, and have power to make, change, and alter the same at pleasure; and by their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, as they shall think proper.

Amount of capital and its application.

Sec. 3. *And be it enacted,* That the capital stock of said company shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing, and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses as shall, to the said company, appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Election of officers.

Sec. 4. *And be it enacted,* That the said company shall have power to elect, annually, a president, vice president, secretary and treasurer, from their own body, and such other officers and assistants, as they shall find necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody, the common seal of said company, and at the expiration of his term of office, shall deliver it over to his

Sec. 5. *And be it enacted,* That all persons who now are, or hereafter shall become and continue actual members of the said Hackettstown Fire Engine Company, as long as they are possessed of a fire engine, be, and they are hereby exempted from militia duty in time of peace: *Provided*, such person shall reside within two miles of the usual place of keeping their engine.

Members ex-
empted from
militia duty.

Sec. 6. *And be it enacted,* That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to alter, amend, modify or repeal this act, as they shall think proper.

Act may be
altered or re-
pealed.

Passed, January 28, 1836.

AN ACT to authorize Elijah Blackwell, jr., to execute a certain contract for the partition of certain real estate, in the county of Warren, made between John M. Young, and Elisha Blackwell, deceased, on the part of the said Blackwell.

WHEREAS it appearing to the legislature, that Elisha Blackwell, deceased, late of the township of Independence, in the county of Warren, who died intestate, did, in his life time, make a parol agreement with the said John M. Young, of the same place, for the partition of a certain lot of land, containing fifteen and one-quarter acres, adjoining lands of James Egbert, Abraham Larew, and others, situate in the township and county aforesaid, and that immediately after said agreement, each party took possession of their respective shares; *And whereas* the said Elisha Blackwell departed this life previous to a deed of partition having been executed between them, and a number of the heirs at law of the said Elisha Blackwell, deceased, being incompetent, by reason of their minority, to fulfil said contract; *And whereas* the said John M. Young has, by his petition, re-

Preamble.

quested that Elijah Blackwell, jr., one of the children and heirs at law of the said Elisha Blackwell, deceased, be empowered to fulfil said contract—Therefore,

E. Blackwell
jr. authorised
to execute
deed of par-
tition.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Elijah Blackwell, jr., one of the children and heirs at law of the said Elisha Blackwell, deceased, be, and he is hereby authorized and empowered to execute a deed of partition, pursuant to said agreement between the said John M. Young and said deceased, which deed shall have the same force and effect as if a deed of partition had been made and entered into between the parties in the life time of the said Elisha Blackwell.

Passed, January 28, 1836.

AN ACT for the relief of John Kesler, sen., of the county of Gloucester.

Pension grant-
ed J. Kesler.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to John Kesler, sen., of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of one hundred dollars, to be paid to the said Kesler, sen., annually, in quarterly payments, from the passing of this act, during the life time of the said John Kesler, sen., and the receipt of the said Kesler, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed, January 28, 1836.

AN ACT to authorize the sale of certain wood and timber belonging to Martha Ann Coles, of the county of Salem.

WHEREAS it hath been represented to the legislature by the guardian of Martha Ann Coles, a minor of the county of Salem, that the said minor is the owner of about thirteen acres of woodland, in the township of Piles Grove, in said county; that the wood and timber thereon is ripe and much decayed and gradually diminishing in value, and that it would greatly benefit the estate of the said minor if the said wood and timber was sold, and the proceeds thereof placed at interest for her use; and the said application appearing reasonable, therefore—

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Margaret Coles be, and is hereby appointed trustee, with full power and authority to sell and dispose of at public sale, (first giving thirty days notice by advertisements in five of the most public places in the township of Piles Grove, aforesaid) all the wood and timber standing upon the said real estate of the said minor, being a certain tract of thirteen acres, more or less, situate in the township of Piles Grove, and county of Salem, and which was allotted to the said minor, as her portion of the real estate of her late father, Joseph Coles.

Trustee authorized to sell wood and timber.

Sec. 2. *And be it enacted,* That before the said trustee shall enter upon any of the duties by this act authorized, she shall enter into bond to the governor of this state, his successors or assigns, with such freehold security, and in such sum as the Orphans' Court of the county of Salem shall direct and approve, for the true and faithful performance and execution of the said trust, in the manner authorized and required by this act; which bond shall be filed by the Surrogate of the county of Salem, and remain of record in his office, for the benefit of those whom it may concern.

Trustee to give bond.

Sec. 3. *And be it enacted,* That the said trustee shall make and exhibit to the Orphans' Court of the county of Salem, at the next term after such sale, under oath or affirmation, a true statement in writing of the said sales, together with the names of the purchasers and the quantity bought by each, with the price thereof, which statement shall be filed by the surrogate of said county, and remain of record in his office.

Trustee to account to Orphans' Court.

Sec. 4. *And be it enacted,* That the said trustee, after deducting from the amount of the sales, when received, such sum as shall be allowed by the said Orphans' Court for commissions

Proceeds of sale to be placed at interest.

Proviso.

and expenses, shall place the balance thereof, at interest, upon bond and mortgage, payable to the said minor, and shall hold the obligation and securities so taken, as the guardian or legal representative of the said mission, for her use and benefit: *provided*, that if the said minor should die before she attain the age of twenty-one years then the proceeds of such sale shall belong to and be paid over to the heirs of the said Martha Ann Coles, in the same manner as if this act had not been passed.

Passed, January 28, 1836.



AN ACT authorizing the sale of the real estate wherof
Elizabeth Holcombe died seized.

Preamble.

WHEREAS Elizabeth Holcombe, widow of Doctor George Holcombe, late of the county of Monmouth, deceased, died intestate, seized in her own right, in fee simple, of and in three several lots, or parcels of land, situate in the counties of Monmouth, Middlesex, and Burlington, in this state, leaving Emily Holcombe, Johnston Holcombe, Helena Fidler the wife of Thomas B. Fidler, Edward Holcombe, and Elizabeth Holcombe, her children and heirs at law, who thereupon inherited the said premises: *And whereas* the guardian of the said Johnston Holcombe, Edward Holcombe, and Elizabeth Holcombe, three of the said heirs, being infants, under the age of twenty-one years, hath represented to the legislature that a sale of the interest of the said minors in the said real estate, is necessary for their education and maintenance, and that their interests would be promoted by a sale thereof, and hath prayed that a sale of the said real estate may be authorized in such manner as shall best promote the interests of the said minors; *And whereas* Thomas B. Fidler and Helena his wife have, by their petition, prayed that authority may also be granted to sell and convey the interest of the said Helena Fidler in the said real estate; *And whereas* Emily Holcombe, the

remaining child and heir at law of the said Elizabeth Holcombe, and joint owner of the said real estate, hath concurred in the petition of the said guardian, and hath represented that a sale of the whole of the said real estate would be for the interest of all parties concerned therein, and the prayer of the said petition appearing to be reasonable and proper—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Cornelius Vanderbeek, of the county of Monmouth, be, and he is hereby appointed trustee, with full power and authority to make sale of all the right, title and interest of Johnston Holcombe, Thomas B. Fidler and Helena his wife, Edward Holcombe, and Elizabeth Holcombe, of, in and to the real estate whereof Elizabeth Holcombe, the widow of Doctor George Holcombe, late of the county of Monmouth, died seized, situate in the counties of Monmouth, Middlesex, and Burlington, in this state, and which descended to the said Johnston Holcombe, Helena Fidler, Edward Holcombe, and Elizabeth Holcombe, as the children and heirs at law of the said Elizabeth Holcombe, deceased, in such manner, and upon giving such notice of the said sale or sales, as is required by law in case of sales of real estate made by executors or administrators by virtue of an order of the Orphans' Court, and good, legal and sufficient deed or deeds therefor, to make to any purchaser or purchasers thereof: which said deed or deeds shall convey to, and vest in, the purchaser or purchasers of the said real estate, all the right, title and interest whatsoever of the said Johnston Holcombe, Thomas B. Fidler and Helena his wife, Edward Holcombe, and Elizabeth Holcombe, of, in and to the said real estate, at the time of the passing of this act.

Trustee appointed to sell lands of heirs of G. Holcombe, &c.

Sec. 2. *And be it enacted,* That the said Cornelius Vanderbeek shall keep a full, fair and just account of the sale or sales by him made, by virtue of this act, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the Orphans' Court of the county of Monmouth, within six months after such sale or sales shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said Cornelius Vanderbeek, after deducting from the proceeds of the said sale or sales, all necessary costs and expenses, and such reasonable commissions as shall be allowed by the said court, and after satisfying all legal liens upon the said real estate, shall invest the residue thereof, under the direction of the Orphan's Court of the said county of Monmouth, and shall

Trustee to account to Orphans' Court of Monmouth.

Distribution of
the proceeds of
sale.

from time to time pay unto the heirs of the said Elizabeth Holcombe, as they severally attain the age of twenty-one years, such part, share and portion of the net proceeds of the said sale or sales, as the said heirs are respectively entitled to in the said lands, under the laws of this state directing the descent of real estate; and in case either of the said heirs should die before attaining the age of twenty-one years, then the share or portion of the person so dying shall be paid to his, her or their heirs, designated by the act directing the descent of real estate, in the same manner as if this act had not been passed.

Trustees to give
bond to the
Governor.

Sec. 3. *And be it enacted,* That the said Cornelius Vanderbeek shall, before entering upon the execution of the trust reposed in him by this act, enter into bond to the ordinary or surrogate general of this state, in such sum, and with such security, being at least two freeholders and such as the said ordinary shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the register's office of this state, and shall be good to all intents and purposes: and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted in any court of record, at the request, and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Rights of third
persons not to
be affected.

Sec. 4. *And be it enacted,* That no sale or conveyance made under or by virtue of this act shall impair or in any wise affect the rights and interests of any person or persons whatever, other than the heirs at law of the said Elizabeth Holcombe, and those claiming under them or either of them.

Passed, January 28, 1836.

AN ACT to authorize a trustee therein named, to sell and convey certain real estate of Silvanus Bonnel, deceased.

WHEREAS, it is represented that Silvanus Bonnel late of the county of Essex, died intestate, seized of a certain dwelling house, wagon maker's and blacksmith's shops, and about eighteen acres and a half of land, situate on the southwesterly side of the Morris turnpike road, in the township of Chatham, and county of Morris in this state, adjoining lands now, or late of William Spencer, William Bonnel, James Robeson and others: **AND WHEREAS**, the widow and children of the said intestate have by their petition shown, that the said buildings and fences on the said lands are much out of repair; and that being at a considerable distance from their residence, cannot conveniently be superintended, and yield but a trifling rent; and that by reason of the minority of some of the children of the said intestate, the said land and premises cannot be sold, although a full and fair price could now be obtained for the same, if an act to authorize such sale should be passed in pursuance of the prayer of the said petition—therefore,

Preamble.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Nancy Bonnel, the widow and administratrix of the said Silvanus Bonnel, deceased, be and she is hereby appointed trustee, with full power and authority to sell for the best price she can obtain for the same, all the said lands, buildings and premises, with the appurtenances; and upon such sale to make and execute good and sufficient deed or deeds of conveyance in the law for the same, to the purchaser or purchasers thereof.

Trustee appointed to sell lands of heirs of S. Bonnel, dec.

Sec. 2. *And be it enacted,* That the proceeds of the sale of the said land and premises shall be divided among the heirs at law of the said Silvanus Bonnel, deceased, or their legal representatives, according to the provisions of the law governing the descent of real estate, and not distributed as personal property.

Distribution of proceeds of sale.

Sec. 3. *And be it enacted,* That the said trustee before she enters on the duties prescribed by this act, shall execute a bond to the Governor of this state, his successor and assigns, with at least two sufficient freehold securities, to be approved by the Orphans' Court of the said county of Morris, conditioned for the faithful performance of the trusts created by this act; which bond shall be filed in the surrogate's office of the said county of Morris, for the benefit of all persons lawfully interested in the said land and premises.

Trustee to give bond to Governor.

Passed, January 26, 1836.

AN ACT to divorce Sarah Martin, from her husband, Joseph F. Martin.

J. F. Martin
and S. Martin,
divorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That Sarah Martin, of the county of Monmouth, be, and she is hereby divorced from her husband, Joseph F. Martin, and the marriage contract heretofore existing between them, the said Sarah Martin and her husband, Joseph F. Martin, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed, February 9, 1836.

AN ACT to incorporate the Belvidere and Port Colden Rail Road and Transportation Company.

Style of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William C. Duesenberg, Daniel Axford, William B. McCullough, William Henry, and William P. Robeson, and such other persons as may hereafter be associated for the purpose, shall be, and hereby are made, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Belvidere and Port Colden Rail Road and Transportation Company," and by that name they, their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Sec. 2. *And be it enacted,* That the capital stock of said company shall be one hundred thousand dollars, with liberty for the company to increase the same to two hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct; *Provided always* that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Amount of capital stock.

Proviso.

Sec. 3. *And be it enacted,* That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper; and after two-thirds or more of the stock shall be subscribed, shall give notice for a meeting of the stockholders to choose nine directors, which election shall be made at the time and place appointed, by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the said election, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors; and the directors chosen at such meeting, or at the annual elections, shall as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them, and in case of the absence of the president, they or a majority of them may appoint a president pro tempore.

Books of subscription for stock to be opened.

Time and mode of election of first directors.

President to be chosen.

How vacancies supplied.

Sec. 4. *And be it enacted,* That an annual election for directors shall be held at such time and place in the county of Warren as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in some newspaper published in said county, at which the stockholders shall vote in the same manner as at the first election; *Provided always* that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, upon giving the proper notice; and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Time and mode of annual election of directors.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted,* That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of

Powers and duties of directors.

Stock forfeited
on failure
to pay instal-
ments.

Powers and
duties of di-
rectors.

Location of
rail road.

Survey of
route to be fi-
led in clerk's
office of War-
ren.

Powers of cor-
poration.

Proviso.

the same at such times and by such instalments as they may think proper, first giving notice of the time and place when and where such instalment is required to be paid, by publishing the same in one or more of the public newspapers printed in the county of Warren, at least thirty days previous; which instalment required to be paid shall not exceed the sum of five dollars at any one time; and in case of the non-payment of any of such instalments to forfeit the share or shares upon which such default shall arise, if not paid within twenty days thereafter; and to make such by-laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation; and also, to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out and construct a rail road from some point or place in the village of Belvidere, to some point or place on the Morris Canal, at or near Port Colden, not exceeding sixty-six feet in width, with as many tracks or rails as they may deem proper; and for the said president and directors, their agents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling, or laying out said road and of locating the same, and to do and erect all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on and a survey thereof filed in the clerk's office of the county of Warren, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use, occupy, and excavate such lands, and to erect and lay rails, embankments, bridges, and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided: *Provided always*, that payment or tender of the payment of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

Sec. 7. *And be it enacted,* That if the owners of the land on which said rail road or rail roads shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of said county of Warren who is disinterested in the premises, upon the application of either party, and after giving ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of said county, to assess the price or value of said land, who shall be sworn or affirmed before said judge faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of said county, there to be kept as a public record, and copies taken by either party if required; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party of such appeal, which proceeding shall vest in the said court full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained, and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs if any, the said corporation shall be deemed to be seized and possessed, in fee

Mode of proceeding when the owners of lands and the company cannot agree.

quested that Elijah Blackwell, jr., one of the children and heirs at law of the said Elisha Blackwell, deceased, be empowered to fulfil said contract—Therefore,

E. Blackwell
jr. authorised
to execute
deed of par-
tition.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Elijah Blackwell, jr., one of the children and heirs at law of the said Elisha Blackwell, deceased, be, and he is hereby authorized and empowered to execute a deed of partition, pursuant to said agreement between the said John M. Young and said deceased, which deed shall have the same force and effect as if a deed of partition had been made and entered into between the parties in the life time of the said Elisha Blackwell.

Passed, January 28, 1836.

AN ACT for the relief of John Kesler, sen., of the county of Gloucester.

Pension grant-
ed J. Kesler.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to John Kesler, sen., of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of one hundred dollars, to be paid to the said Kesler, sen., annually, in quarterly payments, from the passing of this act, during the life time of the said John Kesler, sen., and the receipt of the said Kesler, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed, January 28, 1836.

AN ACT to authorize the sale of certain wood and timber belonging to Martha Ann Coles, of the county of Salem.

WHEREAS it hath been represented to the legislature by the guardian of Martha Ann Coles, a minor of the county of Salem, that the said minor is the owner of about thirteen acres of woodland, in the township of Pilesgrove, in said county; that the wood and timber thereon is ripe and much decayed and gradually diminishing in value, and that it would greatly benefit the estate of the said minor if the said wood and timber was sold, and the proceeds thereof placed at interest for her use; and the said application appearing reasonable, therefore—

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Margaret Coles be, and is hereby appointed trustee, with full power and authority to sell and dispose of at public sale, (first giving thirty days notice by advertisements in five of the most public places in the township of Pilesgrove, aforesaid) all the wood and timber standing upon the said real estate of the said minor, being a certain tract of thirteen acres, more or less, situate in the township of Pilesgrove, and county of Salem, and which was allotted to the said minor, as her portion of the real estate of her late father, Joseph Coles.

Trustee authorized to sell wood and timber.

Sec. 2. *And be it enacted,* That before the said trustee shall enter upon any of the duties by this act authorized, she shall enter into bond to the governor of this state, his successors or assigns, with such freehold security, and in such sum as the Orphans' Court of the county of Salem shall direct and approve, for the true and faithful performance and execution of the said trust, in the manner authorized and required by this act; which bond shall be filed by the Surrogate of the county of Salem, and remain of record in his office, for the benefit of those whom it may concern.

Trustee to give bond.

Sec. 3. *And be it enacted,* That the said trustee shall make and exhibit to the Orphans' Court of the county of Salem, at the next term after such sale, under oath or affirmation, a true statement in writing of the said sales, together with the names of the purchasers and the quantity bought by each, with the price thereof, which statement shall be filed by the surrogate of said county, and remain of record in his office.

Trustee to account to Orphans' Court.

Sec. 4. *And be it enacted,* That the said trustee, after deducting from the amount of the sales, when received, such sum as shall be allowed by the said Orphans' Court for commissions

Proceeds of sale to be placed at interest.

Proviso.

and expenses, shall place the balance thereof, at interest, upon bond and mortgage, payable to the said minor, and shall hold the obligation and securities so taken, as the guardian or legal representative of the said mission, for her use and benefit: *provided*, that if the said minor should die before she attain the age of twenty-one years then the proceeds of such sale shall belong to and be paid over to the heirs of the said Martha Ann Coles, in the same manner as if this act had not been passed.

Passed, January 28, 1836.



AN ACT authorizing the sale of the real estate whereof
Elizabeth Holcombe died seized.

Preamble.

WHEREAS Elizabeth Holcombe, widow of Doctor George Holcombe, late of the county of Monmouth, deceased, died intestate, seized in her own right, in fee simple, of and in three several lots, or parcels of land, situate in the counties of Monmouth, Middlesex, and Burlington, in this state, leaving Emily Holcombe, Johnston Holcombe, Helena Fidler the wife of Thomas B. Fidler, Edward Holcombe, and Elizabeth Holcombe, her children and heirs at law, who thereupon inherited the said premises: *And whereas* the guardian of the said Johnston Holcombe, Edward Holcombe, and Elizabeth Holcombe, three of the said heirs, being infants, under the age of twenty-one years, hath represented to the legislature that a sale of the interest of the said minors in the said real estate, is necessary for their education and maintenance, and that their interests would be promoted by a sale thereof, and hath prayed that a sale of the said real estate may be authorized in such manner as shall best promote the interests of the said minors; *And whereas* Thomas B. Fidler and Helena his wife have, by their petition, prayed that authority may also be granted to sell and convey the interest of the said Helena Fidler in the said real estate; *And whereas* Emily Holcombe, the

remaining child and heir at law of the said Elizabeth Holcombe, and joint owner of the said real estate, hath concurred in the petition of the said guardian, and hath represented that a sale of the whole of the said real estate would be for the interest of all parties concerned therein, and the prayer of the said petition appearing to be reasonable and proper—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Cornelius Vanderbeek, of the county of Monmouth, be, and he is hereby appointed trustee, with full power and authority to make sale of all the right, title and interest of Johnston Holcombe, Thomas B. Fidler and Helena his wife, Edward Holcombe, and Elizabeth Holcombe, of, in and to the real estate whereof Elizabeth Holcombe, the widow of Doctor George Holcombe, late of the county of Monmouth, died seized, situate in the counties of Monmouth, Middlesex, and Burlington, in this state, and which descended to the said Johnston Holcombe, Helena Fidler, Edward Holcombe, and Elizabeth Holcombe, as the children and heirs at law of the said Elizabeth Holcombe, deceased, in such manner, and upon giving such notice of the said sale or sales, as is required by law in case of sales of real estate made by executors or administrators by virtue of an order of the Orphans' Court, and good, legal and sufficient deed or deeds therefor, to make to any purchaser or purchasers thereof: which said deed or deeds shall convey to, and vest in, the purchaser or purchasers of the said real estate, all the right, title and interest whatsoever of the said Johnston Holcombe, Thomas B. Fidler and Helena his wife, Edward Holcombe, and Elizabeth Holcombe, of, in and to the said real estate, at the time of the passing of this act.

Trustee appointed to sell lands of heirs of G. Holcombe, &c.

Sec. 2. *And be it enacted,* That the said Cornelius Vanderbeek shall keep a full, fair and just account of the sale or sales by him made, by virtue of this act, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the Orphans' Court of the county of Monmouth, within six months after such sale or sales shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said Cornelius Vanderbeek, after deducting from the proceeds of the said sale or sales, all necessary costs and expenses, and such reasonable commissions as shall be allowed by the said court, and after satisfying all legal liens upon the said real estate, shall invest the residue thereof, under the direction of the Orphan's Court of the said county of Monmouth, and shall

Trustee to account to Orphans' Court of Monmouth.

Proviso.

and expenses, shall place the balance thereof, at interest, upon bond and mortgage, payable to the said minor, and shall hold the obligation and securities so taken, as the guardian or legal representative of the said mission, for her use and benefit: *provided*, that if the said minor should die before she attain the age of twenty-one years then the proceeds of such sale shall belong to and be paid over to the heirs of the said Martha Ann Coles, in the same manner as if this act had not been passed.

Passed, January 28, 1836.

AN ACT authorizing the sale of the real estate whered
Elizabeth Holcombe died seized.

Preamble.

WHEREAS Elizabeth Holcombe, widow of Doctor George Holcombe, late of the county of Monmouth, deceased, died intestate, seized in her own right, in fee simple, of and in three several lots, or parcels of land, situate in the counties of Monmouth, Middlesex, and Burlington, in this state, leaving Emily Holcombe, Johnston Holcombe, Helena Fidler the wife of Thomas B. Fidler, Edward Holcombe, and Elizabeth Holcombe, her children and heirs at law, who thereupon inherited the said premises: *And whereas* the guardian of the said Johnston Holcombe, Edward Holcombe, and Elizabeth Holcombe, three of the said heirs, being infants, under the age of twenty-one years, hath represented to the legislature that a sale of the interest of the said minors in the said real estate, is necessary for their education and maintenance, and that their interests would be promoted by a sale thereof, and hath prayed that a sale of the said real estate may be authorized in such manner as shall best promote the interests of the said minors; *And whereas* Thomas B. Fidler and Helena his wife have, by their petition, prayed that authority may also be granted to sell and convey the interest of the said Helena Fidler in the said real estate; *And whereas* Emily Holcombe, the

remaining child and heir at law of the said Elizabeth Holcombe, and joint owner of the said real estate, hath concurred in the petition of the said guardian, and hath represented that a sale of the whole of the said real estate would be for the interest of all parties concerned therein, and the prayer of the said petition appearing to be reasonable and proper—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Cornelius Vanderbeek, of the county of Monmouth, be, and he is hereby appointed trustee, with full power and authority to make sale of all the right, title and interest of Johnston Holcombe, Thomas B. Fidler and Helena his wife, Edward Holcombe, and Elizabeth Holcombe, of, in and to the real estate whereof Elizabeth Holcombe, the widow of Doctor George Holcombe, late of the county of Monmouth, died seized, situate in the counties of Monmouth, Middlesex, and Burlington, in this state, and which descended to the said Johnston Holcombe, Helena Fidler, Edward Holcombe, and Elizabeth Holcombe, as the children and heirs at law of the said Elizabeth Holcombe, deceased, in such manner, and upon giving such notice of the said sale or sales, as is required by law in case of sales of real estate made by executors or administrators by virtue of an order of the Orphans' Court, and good, legal and sufficient deed or deeds therefor, to make to any purchaser or purchasers thereof: which said deed or deeds shall convey to, and vest in, the purchaser or purchasers of the said real estate, all the right, title and interest whatsoever of the said Johnston Holcombe, Thomas B. Fidler and Helena his wife, Edward Holcombe, and Elizabeth Holcombe, of, in and to the said real estate, at the time of the passing of this act.

Trustee appointed to sell lands of heirs of G. Holcombe, &c.

Sec. 2. *And be it enacted,* That the said Cornelius Vanderbeek shall keep a full, fair and just account of the sale or sales by him made, by virtue of this act, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the Orphans' Court of the county of Monmouth, within six months after such sale or sales shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said Cornelius Vanderbeek, after deducting from the proceeds of the said sale or sales, all necessary costs and expenses, and such reasonable commissions as shall be allowed by the said court, and after satisfying all legal liens upon the said real estate, shall invest the residue thereof, under the direction of the Orphan's Court of the said county of Monmouth, and shall

Trustee to account to Orphans' Court of Monmouth.

Distribution of
the proceeds of
sale.

from time to time pay unto the heirs of the said Elizabeth Holcombe, as they severally attain the age of twenty-one years, such part, share and portion of the net proceeds of the said sale or sales, as the said heirs are respectively entitled to in the said lands, under the laws of this state directing the descent of real estate; and in case either of the said heirs should die before attaining the age of twenty-one years, then the share or portion of the person so dying shall be paid to his, her or their heirs, designated by the act directing the descent of real estate, in the same manner as if this act had not been passed.

Trustee to give
bond to the
Governor.

Sec. 3. *And be it enacted,* That the said Cornelius Vanderbeek shall, before entering upon the execution of the trust reposed in him by this act, enter into bond to the ordinary or surrogate general of this state, in such sum, and with such security, being at least two freeholders and such as the said ordinary shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the register's office of this state, and shall be good to all intents and purposes: and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted in any court of record, at the request, and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Rights of third
persons not to
be affected.

Sec. 4. *And be it enacted,* That no sale or conveyance made under or by virtue of this act shall impair or in any wise affect the rights and interests of any person or persons whatever, other than the heirs at law of the said Elizabeth Holcombe, and those claiming under them or either of them.

Passed, January 28, 1836.

AN ACT to authorize a trustee therein named, to sell and convey certain real estate of Silvanus Bonnel, deceased.

WHEREAS, it is represented that Silvanus Bonnel late of the county of Essex, died intestate, seized of a certain dwelling house, wagon maker's and blacksmith's shops, and about eighteen acres and a half of land, situate on the southwesterly side of the Morris turnpike road, in the township of Chatham, and county of Morris in this state, adjoining lands now, or late of William Spencer, William Bonnel, James Robeson and others: **AND WHEREAS**, the widow and children of the said intestate have by their petition shown, that the said buildings and fences on the said lands are much out of repair; and that being at a considerable distance from their residence, cannot conveniently be superintended, and yield but a trifling rent; and that by reason of the minority of some of the children of the said intestate, the said land and premises cannot be sold, although a full and fair price could now be obtained for the same, if an act to authorize such sale should be passed in pursuance of the prayer of the said petition—therefore,

Preamble.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Nancy Bonnel, the widow and administratrix of the said Silvanus Bonnel, deceased, be and she is hereby appointed trustee, with full power and authority to sell for the best price she can obtain for the same, all the said lands, buildings and premises, with the appurtenances; and upon such sale to make and execute good and sufficient deed or deeds of conveyance in the law for the same, to the purchaser or purchasers thereof.

Trustee appointed to sell lands of heirs of S. Bonnel, dec.

Sec. 2. *And be it enacted,* That the proceeds of the sale of the said land and premises shall be divided among the heirs at law of the said Silvanus Bonnel, deceased, or their legal representatives, according to the provisions of the law governing the descent of real estate, and not distributed as personal property.

Distribution of proceeds of sale.

Sec. 3. *And be it enacted,* That the said trustee before she enters on the duties prescribed by this act, shall execute a bond to the Governor of this state, his successor and assigns, with at least two sufficient freehold securities, to be approved by the Orphans' Court of the said county of Morris, conditioned for the faithful performance of the trusts created by this act; which bond shall be filed in the surrogate's office of the said county of Morris, for the benefit of all persons lawfully interested in the said land and premises.

Trustee to give bond to Governor.

Passed, January 26, 1836.

AN ACT to divorce Sarah Martin, from her husband, Joseph F. Martin.

**J. F. Martin
and S. Martin,
divorced.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That Sarah Martin, of the county of Monmouth, be, and she is hereby divorced from her husband, Joseph F. Martin, and the marriage contract heretofore existing between them, the said Sarah Martin and her husband, Joseph F. Martin, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed, February 9, 1836.

AN ACT to incorporate the Belvidere and Port Colden Rail Road and Transportation Company.

Style of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William C. Duesenberg, Daniel Axford, William B. McCullough, William Henry, and William P. Robeson, and such other persons as may hereafter be associated for the purpose, shall be, and hereby are made, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Belvidere and Port Colden Rail Road and Transportation Company," and by that name they, their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Sec. 2. *And be it enacted,* That the capital stock of said company shall be one hundred thousand dollars, with liberty for the company to increase the same to two hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct; *Provided always* that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Amount of capital stock.

Proviso.

Sec. 3. *And be it enacted,* That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper; and after two-thirds or more of the stock shall be subscribed, shall give notice for a meeting of the stockholders to choose nine directors, which election shall be made at the time and place appointed, by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the said election, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors; and the directors chosen at such meeting, or at the annual elections, shall as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them, and in case of the absence of the president, they or a majority of them may appoint a president pro tempore.

Books of subscription for stock to be opened.

Time and mode of election of first directors.

President to be chosen.

How vacancies supplied.

Sec. 4. *And be it enacted,* That an annual election for directors shall be held at such time and place in the county of Warren as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in some newspaper published in said county, at which the stockholders shall vote in the same manner as at the first election; *Provided always* that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, upon giving the proper notice; and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Time and mode of annual election of directors.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted,* That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of

Powers and duties of directors.

Stock forfeited
on failure
to pay instal-
ments.

Powers and
duties of di-
rectors.

Location of
rail road.

Survey of
route to be fi-
led in clerk's
office of War-
ren.

Powers of cor-
poration.

Proviso.

the same at such times and by such instalments as they may think proper, first giving notice of the time and place when and where such instalment is required to be paid, by publishing the same in one or more of the public newspapers printed in the county of Warren, at least thirty days previous; which instalment required to be paid shall not exceed the sum of five dollars at any one time; and in case of the non-payment of any of such instalments to forfeit the share or shares upon which such default shall arise, if not paid within twenty days thereafter; and to make such by-laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation; and also, to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out and construct a rail road from some point or place in the village of Belvidere, to some point or place on the Morris Canal, at or near Port Colden, not exceeding sixty-six feet in width, with as many tracks or rails as they may deem proper; and for the said president and directors, their agents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling, or laying out said road and of locating the same, and to do and erect all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on and a survey thereof filed in the clerk's office of the county of Warren, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use, occupy, and excavate such lands, and to erect and lay rails, embankments, bridges, and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided: *Provided always*, that payment or tender of the payment of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

Sec. 7. *And be it enacted,* That if the owners of the land on which said rail road or rail roads shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of said county of Warren who is disinterested in the premises, upon the application of either party, and after giving ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of said county, to assess the price or value of said land, who shall be sworn or affirmed before said judge faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of said county, there to be kept as a public record, and copies taken by either party if required; and if either party shall feel agrieved by the decision of such commissioners, the party so agrieved may appeal to the inferior court of common pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party of such appeal, which proceeding shall vest in the said court full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained, and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs if any, the said corporation shall be deemed to be seized and possessed, in fee

Mode of proceeding when the owners of lands and the company cannot agree.

simple, of all such lands and real estate appraised as aforesaid.

In certain cases company to pay the value of lands into the Court of Chancery.

Sec. 8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of said corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation.

Rates for passage or transportation.

Sec. 9. *And be it enacted*, That the president and directors of the said company shall have power to construct or purchase and place upon their said road, all machines, engines, wagons, carriages or vehicles, for the transportation of passengers or any species of property thereon, as they may think proper, *provided* they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger on said road in the carriages of said company; or three cents per mile per each ton of property, or three cents per mile for each passenger carried on said rail road in the carriages of others; and three cents per mile for each empty carriage. And that the said rail road and appendages, and the land over which the same shall pass, and all the works, improvements, engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act.

Other roads not to be obstructed.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over, across, or under the said road where any public or other road shall cross the same, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over, under, or across said rail road so that he may pass the same.

Rail road a public highway.

Sec. 11. *And be it enacted*, That the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any rail road carriage thereon with passengers or property, upon payment of the tolls prescribed by this act, *provided always*, that the said carriages so used thereon shall be of the same description in the formation of the wheels and length of axle as those used by the

company, and shall be regulated as to the times of starting and rates of travelling by the company in the same manner as the carriages of the company are.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said roads, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, machine shops, and other buildings and improvements as they deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, issues, and profits thereof.

What real estate may be held.

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said company, the sum of fifty dollars to be by them recovered in any court of competent jurisdiction in an action of debt, and further, shall be liable for all damages.

Penalty for injuring or obstructing the road.

Sec. 14. *And be it enacted*, That the president and directors shall, within one year after the said rail road shall be completed, declare and make such dividend as they may deem prudent and proper of the net profits thereof, if any, and shall, in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders in proportion to the amount of stock held by them respectively.

Dividends to be made semi-annually.

Sec. 15. *And be it enacted*, That when the said rail road with its appendages shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the Secretary of State; and annually thereafter, the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state, of the expenses of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the net income of said road shall amount to six per centum upon its costs; and and as soon as it shall do so, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *Provided* that no other tax or impost for the support of the government of this state shall be levied or assessed upon the said company.

Cost of road to be filed with Secretary of State.

Annual return of proceeds of road to be made to legislature.

Tax to be paid.

Sec. 16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may take the same for the state,

When State may take the road on paying cost.

paying therefor the original costs of the same; and if the said road shall not be completed within five years from the passage of this act, then and in that case this act shall be void.

Law may be
altered or re-
pealed.

Sec. 17. *And be it enacted*, That the legislature may at any time hereafter, alter, modify, or amend this act whenever the public good shall require it.

Passed, February 9, 1836.

AN ACT to dissolve the marriage contract between Joseph Owen of the county of Gloucester, and Millicent R. Owen, his wife.

J. Owen and
M. R. Owen
divorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the marriage contract now existing between Joseph Owen, of the county of Gloucester, and Millicent R. Owen, his wife, be, and the same is, from the passage of this act, forever dissolved and annulled, as fully to all intents and purposes, as if the said parties had never been joined in wedlock.

Passed, February 9, 1836.

AN ACT to incorporate the "Franklin Fire Engine Company of Middletown Point."

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority*

of the same, That Garret P. Conover, Samuel Stillwell, Francis P. Simpson, John C. Whitlock, John C. Schanck, Jonas Clark, Asbury Fountain, William Little, Garret S. Smock, and such other persons not exceeding thirty in number, as now are, or hereafter shall become associates of the Franklin Fire Engine Company of Middletown Point, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Franklin Fire Engine Company of Middletown Point," and by such name they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity, whatsoever, and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure, and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching, or concerning the objects of said corporation, and shall have full power and authority to make, form, adopt, and enforce such by-laws and regulations for their government, not inconsistent with the laws of this state, or of the United States, as they shall think proper.

Names of incorporators.

Style of incorporation.

Powers of company.

Sec. 2. And be it enacted, That the capital stock of the said company, shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to the procuring, maintaining and repairing such engines, hose, reservoirs of water, ladders, buckets, fire hooks, engine houses, and other implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure the property of themselves, and of the inhabitants of the village of Middletown Point, and its vicinity, from loss or injury by fire.

Amount of capital.

Sec. 3. And be it enacted, That the said company shall have power to elect annually, a president, and such other officers and assistants, as they shall find necessary for conducting their affairs, according to their constitution and by-laws; and that the president shall keep in his custody, the common seal of the said company (if any) and at the expiration of his term of office, shall deliver it, together with any and all other effects, property, books and papers of the said company, which may be in his charge or keeping, over to his successor.

Election of officers.

Sec. 4. And be it enacted, That all the privileges and exemptions, contained in an act entitled "An Act for the encouragement of Fire Companies," passed December fourteenth, eighteen hundred and twenty-six, be, and the same are hereby extended to all persons who now are, or hereafter shall become and continue actual members of the said company: *provided*, that the members attached to the said fire engine or hose com-

Privileges of members.

pany shall live within two miles of the usual place of keeping their engine.

Act may be altered or repealed.

Sec. 5. *And be it enacted*, That it shall and may be lawful, for the Council and General Assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit and proper.

Passed, February 10, 1836.

AN ACT to authorize the enclosure of a certain tract of woodland, in the township of Franklin, in the county of Bergen.

Boundaries authorised to be enclosed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of woodland situated near New Success, on the west side of the Hobokus brook, and is bounded as follows; northerly, by lands of William Dixon, easterly, by lands of Stephen Lawrence and Harman Smith, southerly, by lands of Joseph Crouter and Jacob May, and westerly, by lands of Jacob May, Samuel Banta and Peter Berdan, to fence the same in common, and to erect and maintain such swing gates as they may deem proper, and that from and after the enclosing the same as aforesaid, no person or persons whatsoever, shall drive or let in any horse, cattle or sheep, with intent to run at large, in said tract: *Provided always*, that nothing in this act contained, shall be construed so as to prevent any person or persons from turning his horses, cattle, or sheep, on such part of the said tract as may belong to him, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of the said tract.

Penalty for driving in cattle.

Sec. 2. *And be it enacted*, That if any person whatever, shall drive or let in any horse, cattle or sheep, into the said tract, after the same shall have been enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down any part of the fence around the same, or any of the swing gates thereon, he shall be liable to a penalty of

fifty dollars; and if any person or persons shall leave open any bars or swing gates thereon, either negligently or wilfully, he shall be liable to the penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the trustees hereinafter mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt; and the proceeds thereof, after paying the costs and expenses of suing for and recovering the same, shall be applied to making and repairing the fences and swing gates around the said tract.

Cattle trespassing.

Sec. 3. *And be it enacted,* That if any horses, cattle or sheep, be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound in the township of Franklin, leaving with the keeper of such pound an affidavit that such horses, cattle or sheep, were found running in said tract, and it shall be the duty of such pound keeper to receive and keep the horses, cattle and sheep, so delivered to him, until the owner thereof shall pay to him the cost and fees of impounding the same, together with damages, if any incurred; and such pound keeper shall collect and receive the same fees, and be subject to the same penalties, and shall, in all matters, proceed as is directed by an act entitled, "An Act regulating fences," passed January the twenty-third, seventeen hundred and ninety-nine.

Times and mode of electing trustees.

Sec. 4. *And be it enacted,* That a majority of the owners of said tract shall meet on the first Tuesday of April next, at the house of William Dixon, in the township of Franklin, and on the first Tuesday in April of each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose, from among themselves, three persons, to be trustees of said lands, who shall hold their office for one year, or until their successors shall be appointed.

Trustees to assign proportion of fence.

Sec. 5. *And be it enacted,* That the trustees elected shall designate the line of the fence to be erected around the said tract, and shall assign, by marks and measurement, to each of the owners of said tract, to make and maintain, as they formerly did make, and the said owners of said tract shall make and maintain the vacant part to the proportion to the number of acres owned by him or her therein, and if after such assignment and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned him or her, for the space of two months after a written notice having been served upon him or her or left at their usual place of residence by the said trustees or any one of them, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expense from the person or persons so refusing, and their legal representatives, in any court of competent jurisdiction in this state; and it shall

be the duty of such trustees to cause a lawful fence, at all times, to be kept up and maintained around the above said tract.

Pay of trustees.

Sec. 6. *And be it enacted*, That each trustee shall be entitled to receive seventy-five cents per day, for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to their interest, and shall be assessed by the said trustees according to the number of acres held by each owner of said, and shall make out a duplicate list of the amount assessed upon the property of each individual, who, upon refusal or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places, near the premises, for the space of thirty days, shall be liable to a prosecution before any court having competent jurisdiction of the same, in an action of debt, with costs of suit.

Passed, February 10, 1836.

AN ACT relative to a bequest, in the last will and testament of Uzal Sayres, late of the township of Newark, in the county of Essex, for schooling poor children.

Preamble.

WHEREAS the said Uzal Sayres, in and by his last will and testament, did, amongst other things, make the following bequest and provision, that is to say, "and it is my will, and I do order my executors to sell the whole of my estate, both real and personal, so as to reduce the whole into money; and after paying all my just debts and funeral expenses, and the legacies heretofore given, in this my will, all the residue, more or less, I do order and direct my said executors to put out at interest, on good bond and mortgage, and my two sons to have the interest arising therefrom, during their life time; and the principal is to be kept entire and unexpended, and after the death of both my sons, Stephen and Isaac, I do give the said residue to the township committee, of the township of Newark, and their successors in office, in trust; the interest and income

thereof to be expended in schooling such poor children as they, in their wisdom, shall think proper to school, but the principal sum is to be kept good and unexpended, as a fund for that purpose," and thereby constituted and appointed his said sons, Stephen Sayres and Isaac Sayres, executors thereof; who, after the death of the said Uzal Sayres, on the sixth day of February, eighteen hundred and thirty-four, proved the said last will and testament according to law: *And whereas* by an instrument in writing, bearing date the eleventh day of August, eighteen hundred and thirty-five, made between the township committee, of the township of Newark, aforesaid, in behalf of said township of the one part, and the said Stephen Sayres and Isaac Sayres, executors as aforesaid, of the other part, it is agreed to compromise the said bequest, for the sum of four thousand dollars, and that the said township committee shall receive, as payment of the said sum of money, an assignment from said executors, to the inhabitants of the township of Newark, in the county of Essex, of a certain bond and mortgage given by Joseph B. Jackson, to Enoch Bolles, and by said Bolles assigned to said Stephen Sayres and Isaac Sayres, dated the first day of July, eighteen hundred and thirty-five, to secure the payment of four thousand dollars, with interest, together with the policy of insurance of the building on the mortgaged premises, as by reference to the said agreement, amongst other things, will more fully and at large appear: *And whereas* legislative aid is necessary, to confirm and make effectual the said agreement, and to secure the application of the said sum of money, agreed to be accepted in lieu of said bequest, as near as may be, in the manner intended by the testator—
—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said agreement, made between the said township committee and the said Stephen Sayres and Isaac Sayres, executors aforesaid, be, and the same is hereby confirmed, and made valid and effectual, in law and equity.

Agreement
with township
committee
confirmed.

Sec. 2. *And be it enacted,* That the legal title and possession of the aforesaid sum of four thousand dollars, and the execution of the said trust, shall be vested in the said "The Inhabitants of the Township of Newark, in the County of Essex," in their corporate capacity, who are hereby authorized and made capable in law from time to time, through the agency, and under the direction of the township committee of said township, to cause the same to be invested at in-

Money and
execution of
trust vested in
the township.

terest, on bond and mortgage of real estate, and to prosecute and maintain all actions at law and equity necessary and proper, for the recovery thereof.

How money
to be applied.

Sec. 3. *And be it enacted*, That it shall be the duty of the said township committee to cause the said sum of money to be invested and kept at interest, as aforesaid, and to collect and receive the interest and income thereof, and expend the same in schooling such poor children as they in their wisdom shall think proper to school, and the principal sum to keep entire and unexpended, as a fund for that purpose.

To release es-
tate from li-
abilities.

Sec. 4. *And be it enacted*, That the individuals who, for the time being, compose the said township committee, or a majority of them, shall be, and are hereby authorized and fully empowered, upon receipt of the aforesaid bond and mortgage, and policy of insurance duly assigned to the said "The Inhabitants of the Township of Newark, in the County of Essex," to discharge and release by writing, under their hands and seals, the estate of the said Uzal Sayres, deceased, and the said Stephen Sayres and Isaac Sayres, as well in their capacity of executors of said Uzal Sayres, as in their individual capacities respectively, and their heirs, executors and administrators, from all liability or obligation under said last will and testament, and also the said devise or bequest to the township committee of the township of Newark, for schooling poor children, as aforesaid; and the payment of the said four thousand dollars and release, as aforesaid, are hereby declared to be a full and absolute bar to all suits or actions, claims and demands, at law and in equity, by the said township or township committee, for, or by reason of the said devise or bequest for schooling poor children, against the said Stephen Sayres and Isaac Sayres, as executors, as aforesaid, and individually, and their heirs, executors and administrators, and the estate of the said Uzal Sayres, deceased.

Passed, February 11, 1836.

A FURTHER SUPPLEMENT to the act entitled "An Act relative to the Supreme and Circuit Courts," passed the sixth day of June, A. D. seventeen hundred and ninety-nine.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if the justice of the supreme court, by whom any circuit court, or courts of oyer and terminer, and general gaol delivery, is to be held in any county of this state, shall be prevented by sickness, or from any other cause, from attending on the day and at the place, when and where any such court is to be commenced and held, no process returnable to such court, nor any recognizance entered into for the appearance of any person at such court, nor any indictment, suit, or other proceeding depending therein, shall be thereby abated, discontinued or avoided, but the same shall remain and be in full force, the same as if such justice had attended and opened such court; and it shall be the duty of the clerk of the said court, to cause the same to be opened, by proclamation, in the usual form; and in case one of the justices of the supreme court shall not attend during the day, then the clerk shall in like manner adjourn the court to the usual hour of the next day, and so from day to day, until one of the said justices shall be present, or until such court shall be adjourned for the term, as hereinafter is directed; which proceedings shall be regularly entered by the clerk in the minutes of the court.

Proceedings not affected by absence of judge.
Clerk may adjourn the court

Sec. 2. *And be it enacted,* That if one of the justices of the supreme court shall not be present at the usual hour of opening the courts of oyer and terminer, and general gaol delivery, in any county in this state, on the day appointed by law for holding such courts, then the court of general quarter sessions of the peace in and for such county, may proceed to organize the grand jury, for such county, in the same manner as the court of oyer and terminer might do if that court were in session; and all process returnable to, and all recognizances for the appearance of persons before the said courts of oyer and terminer and of general gaol delivery, shall be as valid and effectual as if the said courts had been opened and in session, and may be proceeded on according to law, in the said court of general quarter sessions of the peace; and all indictments pending in such county, and all indictments that may be found and presented by such grand jury, shall be as good and effectual as if the grand jury had been organized.

Quarter sessions may organize grand jury.

and sworn or affirmed before the court of oyer and terminer, and shall be tried or otherwise determined either in the court of general quarter sessions of the peace, the court of oyer and terminer or of general gaol delivery, as by law the same ought to be tried and determined.

When court
to be adjourn-
ed, and pro-
ceedings con-
tinued

Sec. 3. *And be it enacted,* That if it shall happen that no justice of the supreme court shall attend before twelve o'clock on the third day of the term as fixed by law, then the clerk of the said courts of oyer and terminer, and general gaol delivery, and circuit court, shall cause the same by proclamation in the usual manner to be adjourned over, to meet according to law, and in such case all suits, actions, indictments, rules, and other proceedings pending in the said courts respectively, except such as may be tried in the courts of common pleas and general quarter sessions of the peace, shall be continued and stand over to the next ensuing term of the said courts without prejudice to any of the parties.

Court may be
adjourned to
any day in
term.

Sec. 4. *And be it enacted,* That the circuit court, or courts of oyer and terminer, and general gaol delivery, when sitting in and for any county in this state, may be adjourned over from any one day in term to any subsequent day in the same term, whenever the public convenience, and that of the members of the court, may require or justify such adjournment, and in every case of such adjournment, all suits, indictments, process, orders, rules, recognizances and other proceedings pending in such courts shall be continued to the time to which said adjournment shall be made, without prejudice to any of the parties therein, and may then be proceeded in according to law, in the same manner as might have been done if such court or courts had been adjourned from day to day.

Court may
be continued
by another
judge.

Sec. 5. *And be it enacted,* That in case the justice of the supreme court, holding any circuit court or court of oyer and terminer, or of general gaol delivery, shall be prevented by sickness or other cause requiring his absence from continuing to preside at such court until the business thereof shall be finished, then it shall and may be lawful for any other justice of the supreme court to take his place and to proceed with the business of the said courts, in the same manner as he might have done if he had been present and presiding at the commencement of the term.

Supreme
Court may
appoint spe-
cial terms.

Sec. 6. *And be it enacted,* That it shall and may be lawful for the justices of the supreme court, either in term time or at chambers, to appoint a special term or terms, not exceeding two, in any one year, of the said supreme court, to be held at such time or times, place or places, and for the transaction of such business, and under such rules and regulations as they may order and appoint.

Sec. 7. *And be it enacted,* That such of the justices who have attended, or who shall hereafter attend any special term of the supreme court, shall be entitled to receive, as a compensation therefor, the sum of thirty dollars, for each term, to be paid to him by the treasurer of this state, in the same manner as the circuit fees, now allowed by law, are directed to be paid. **Compensation.**

Sec. 8. *And be it enacted,* That whenever any person shall stand indicted for any offence or crime, before the trial of which, the person indicted is entitled by law, to have a copy of the indictment, and a list of the jury, if a copy of the indictment, and a list of the jury, summoned by the proper officer, for the trial thereof, shall be served on the prisoner or defendant, two entire days before the first day of the term at which such trial is to take place, it shall be as good and effectual as if such list of jurors and copy of the indictment had been delivered to such prisoner or defendant, after the term had commenced, and the panel of jurors had been duly returned to the court. **List of Jurors &c. may be served on person indicted two days before term.**

Sec. 9. *And be it enacted,* That the same fees shall be allowed to the courts of oyer and terminer and general gaol delivery, as are by law allowed to the court of general quarter sessions, which fees shall be divided among the judges attending said courts, other than the justice of the supreme court, who may be present and presiding; but such justice shall be entitled to receive one dollar for the trial or argument of every cause in said courts. **Fees.**

Sec. 10. *And be it enacted,* That the act entitled "An act to authorize the holding of special terms of the supreme court," passed the fourth day of March, A. D. eighteen hundred and thirty-five, be, and the same is hereby repealed. **Former act repealed.**

Passed, February 11, 1836.

AN ACT relative to the property of the unincorporated
Society of Friends in this State.

Rights of
Friends not to
be effected by
separation.

Sec. 1. *Be it ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the rights, estates, property and privileges of the members of the unincorporated society of Friends, in this state, shall not be hurt, endamaged, or in any way affected, by the division, secession, or separation, which has occurred in the said society, and that the rights, estate, property and privileges of the members of the unincorporated society of Friends, in this state, shall be held and enjoyed according to the constitution and laws of this state.

Mode of divi-
sion of person-
al estate.

Sec. 2. *And be it enacted,* That the division, secession or separation, now existing in the said unincorporated society of Friends, in this state, on conscientious grounds, where both parties profess to adhere to the faith, system of discipline, constitution and government of the said society, when in unity, the personal estate of whatever kind, of the said society, held or possessed by said society, when in unity, or by any other person or persons, body politic or corporate, for or to its use, or in any way in trust for them, shall be divided between the parties, in such division, secession or separation, equally and ratably, in proportion to the number of members of the said society who have joined or attached themselves to either of the said parties, in such division, secession, or separation, in the same manner as if they had been equal partners in the said personal estate; and in case the said members of the said society cannot, in such division, secession, or separation, agree on the division of the said personal estate of the said society, by them possessed when in unity, that then, and in such case, it shall and may be lawful for any member or members of either party, for and in behalf of himself and themselves, and his and their associates in such division, secession, or separation, to exhibit a bill in chancery against any member or members of the other party in such division, secession, or separation, and their associates, for a division of such personal estate so held or possessed by the said society, when in unity, in the same manner as if they were partners; and thereupon the same proceedings may be had, and relief given, and decree made, as in justice and equity, and according to the course and practice of the court of chancery, ought to be made; always having regard to the relative number of the members belonging to the said parties in such division, secession, or separation, and the continuance and preservation of the same trusts, uses, and purposes, upon

and for which such personal estate was theretofore held and possessed; and that the members of the said party in such division, secession, or separation, to whom the same, or any part thereof, shall be decreed, shall hold the same upon the same trusts, and for the same uses and purposes, so far as regards the members of the said society, connected with them in the said division, secession, or separation, as the same was held by the said society when in unity.

Property to be held on same trusts as formerly.

Sec. 3. *And be it enacted*, That in case of any division, secession, or separation, now existing in the said unincorporated society of Friends in this state, on conscientious grounds, where both parties profess to adhere to the faith, system of discipline, constitution and government of the said society when in unity, that then and in such case, the real estate, of whatsoever kind (except burial grounds) of the said society, held, possessed or owned by the said society when in unity, or by any other person or persons, body politic or corporate, for or to its use, or in trust for them, shall be divided between the parties in such division, secession, or separation, equally and ratably, in proportion to the number of members of the said society, who have joined or attached themselves to either of the said parties, in such division, secession, or separation, in the same manner as if they were tenants in common, of the said real estate; and in case the said members of the said society cannot on such division, secession or separation, agree on the division or partition of the said real estate, so as aforesaid held, possessed, or owned by them when in unity, that then and in such case, it shall and may be lawful for any member or members of either party, for and in behalf of himself and themselves, and their associates, in such division, secession, or separation, to exhibit his or their bill in the court of chancery, against any member or members of the other party, in such division, secession, or separation, and their associates, for a division or partition of such real estate, so held, possessed or owned by the said society when in unity, in the same manner as if the members of the said society were tenants in common of the said real estate; or in case that the said real estate is so circumstanced, that division or partition thereof cannot be made, without great prejudice to the owners, for a sale thereof or a decree, that the same may be held and owned by the one party, on their paying to the other, their proportion of the value thereof, to be ascertained according to the course and practice of the said court, as to the said court shall appear equitable and just; and thereupon, the same proceedings may be had and relief given and decree made, as in justice and equity, and according to the course and practice of the court of chancery ought to be

Disposition of real estate.

made, always having regard to the relative number of members belonging to said parties in such division, and the continuance and preservation of the same trusts, uses, and purposes upon, or for which such real estate was theretofore held, possessed or owned; and the members of the party in such division, secession, or separation, to whom the said real estate, or any part thereof, or the proceeds of the sale thereof, shall be decreed, shall hold, possess and enjoy the same, upon the same trusts and the same uses and purposes, so far as regards the members of the said society, connected with them in such division, secession, or separation, as the same was held, possessed, or owned by the said society when in unity.

Burial grounds
to be held in
common.

Sec. 4. *And be it enacted*, That the burial ground or grounds of the said society when in unity, shall forever remain free and common for the burial of the members of either party, and their descendants, the same as if no such division, secession, or separation had been made.

All the persons
associated as
complainants
or defendants
need not be
named.

Sec. 5. *And be it enacted*, That the said complainant or complainants in any such bill of complaint, shall make his or their affirmation, to be annexed to the said bill of complaint, that the division, secession, or separation stated in the said bill, so far as respects the said complainant or complainants, was made on conscientious grounds, and not for the purpose of appropriating the real or personal estate of the said society of Friends to any other trusts, uses or purposes than those originally intended in its creation, or to destroy the faith, constitution, system of discipline, and government of such association, but in truth and good faith, for the causes set forth in such bill of complaint, and that it shall not be necessary to name all the parties associated with the complainants or defendants in the said bill, but that it shall be sufficient to designate them as the associates of the said respective parties, and that a copy of the subpoena issued in the said cause shall be served upon the clerk of the said society or meeting with whom the defendant or defendants in said cause may be connected or acting, together with a copy of the said bill, at least ten days before the returning thereof, or left at his residence; and that any of the members of the said society may appear and defend the said suit; and if in the course of the said proceedings, it should become expedient to ascertain the number of members of the said society, connected with the said parties respectively, any member thereof shall be under the age of twenty-one years, such infant shall be counted with the party to which his or her father belongs, if he is living, and if not, to that which his or her mother, if living, belongs, and if she also be dead, with the party to which his or her guardian belongs.

How infants
are to be count-
ed in case of
division.

Passed, February 11, 1836.

AN ACT to incorporate the Lumberville Delaware Bridge Company.

WHEREAS it hath been represented to this legislature, that the legislature of Pennsylvania have passed an act to incorporate the Lumberville Delaware Bridge Company, which act cannot go into operation until a concurrent act is passed by the legislature of the state of New Jersey, and it appearing that the passage of such an act, and the erection of a bridge at Lumberville, would be conducive to the public benefit, therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the capital stock of the Lumberville Delaware Bridge Company, for the purpose of erecting a bridge over the Delaware river at Lumberville, in the state of Pennsylvania, with suitable toll houses, shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money, for the share or shares by them respectively subscribed, at such periods, and in such proportions as by this act is hereinafter provided.

Amount of capital stock.

Sec. 2. *And be it enacted,* That John Runk, Thomas Loquere, John Burket, James Snyder, Francis Tomlinson, John Aller, William Bonham, Thomas Cherry, James Scott, Richard Opdycke, Jacob Kuglar, Samuel Woolverton, Peter H. Dits, George Johnson, Daniel B. Rittenhouse, and Wilson Bray, be, and they are hereby appointed commissioners, on the part of this state, who, with the commissioner already appointed by the legislature of Pennsylvania, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof in two of the newspapers printed in the county of Hunterdon, in this state, and also in two newspapers, printed in the county of Bucks, in the state of Pennsylvania, for at least twenty days, of the times and places, when and where the said subscriptions shall be received, and at the time of subscription for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, and shall be by them paid over to the treasurer of said company, when he shall be appointed, and that the residue of such subscriptions shall be paid in such instalments, and at such times and places, and to such person or persons as the president and directors of the company shall, from time to time, direct and give public notice of: and upon failure of payment thereof, as so directed, for thirty days thereafter, the said president and directors shall have

Commissioners to receive subscriptions.

Stock forfeited
on failure to
pay instal-
ments.

Proviso.

power to forfeit the shares of each and every person failing to pay the said instalments, or any of them, to and for the use of said company, *provided*, that if the number of shares subscribed, shall exceed the amount or number of shares authorized by this act to be subscribed, that then the said commissioners shall apportion the said stock among such stockholders, in proportion to the amount or number of shares by them subscribed, as aforesaid.

Style of incor-
poration.

Sec. 3. *And be it enacted*, That whenever three hundred shares of the said stock shall be subscribed for, the persons holding the same shall be, and they are hereby declared to be a body politic and corporate in law, by the name of "The Lumberville Delaware Bridge Company," and by that name shall have perpetual succession, and all the privileges and franchises of a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time; by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary and convenient to them, in the prosecution of their works, and the same to sell and dispose of, at their pleasure, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Powers and
privileges.

Time and
manner of
electing offi-
cers.

Sec. 4. *And be it enacted*, That as soon as the said three hundred shares of stock shall have been subscribed, as aforesaid, it shall be the duty of the said commissioners to give public notice in the newspapers mentioned in the second section of this bill, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice; at which time and place the said stockholders shall proceed to organize the said company, and shall choose, by ballot; by a majority of votes, to be delivered in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until others shall be appointed; and such president and directors may make and adopt such by-laws and regulations, not inconsistent with the laws and constitution of this state or the United States, as to them shall seem necessary for the proper management of the concerns of said company; *Provided*, that no person shall have more than twenty votes at an election, or in determining any question arising at such meetings; and that each person shall be entitled to one vote for every share by him held not exceeding ten.

Sec. 5. *And be it enacted,* That the said stockholders, their successors and assigns, shall meet on the first Monday in November, in every succeeding year, at such time and place as the by-laws of the said company shall direct, and elect their officers for the ensuing year.

Annual meeting of stockholders.

Sec. 6. *And be it enacted,* That the president and directors of said company first chosen, as aforesaid, shall issue to each stockholder, a certificate of stock for the number of shares by him or her held in such company; which certificate shall be signed by the president, and countersigned by the treasurer; and shall be transferable at the pleasure of such stockholder, in person or by legal attorney; subject, however, to all the payments due or to become due thereon to said company; and the assignee holding such stock by such transfer, after having first caused the assignment and transfer to be entered in a book of the company for that purpose to be kept, shall, for every share of stock by him or her held, be entitled to his or her equal proportion of the said capital stock, and of all the estates, real, personal, and emoluments of the said company, and to vote as hereinbefore directed, at the meetings thereof.

Stock to be issued and transferable.

Sec. 7. *And be it enacted,* That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed upon; and at such meetings, five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their proceedings fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with, and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on the said bridge and complete the same; and to fix their salaries and wages, to draw orders on the treasurer for all money that may be required, the same to be signed by the president and countersigned by the clerk or treasurer of the board; and to do and transact all matters or things which the by-laws of said company authorize and require.

Five directors to be a quorum.

Duties of directors.

Sec. 8. *And be it enacted,* That the said president and directors shall and may fix upon and determine the place at which the said bridge shall be located at the village of Lumberville, on the river Delaware; after which, the said president and directors shall and may agree with any owners of the lands necessary for the erection of said bridge, for the purchase of so much thereof as shall be necessary for erecting such bridge and perfecting the same; if they cannot agree with the said owner or owners of such lands, then it shall be lawful for the said company to apply to one of the justices of the Supreme Court of this state, not being a stockholder or inter-

Location of bridge.

Proceedings when company and owners of land cannot agree.

ested in the said bridge; who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed before any justice of the peace of said state, faithfully and impartially to perform the duties enjoined upon them herein, shall proceed to view and examine said ground and premises, and the lands and property so needed by said company for the purposes aforesaid, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner of such lands, or other property, so necessary to be taken as aforesaid, and shall fix and determine the value thereof, and report what sum shall be paid by such company therefor; which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them, and shall be accompanied with a map describing the metes and bounds of said land, and a minute description of the property so taken and valued; which report and map shall be filed in the clerk's office of the Supreme Court of this state; and if confirmed by the said Supreme Court, shall be and remain of record and conclusive upon the said parties respectively, their heirs, successors and assigns forever; and the said company having paid the said sum or sums of money so awarded by the said report, together with the fees of said commissioners, at the rate of two dollars each for every day employed in the said business, and their necessary expenses, shall be entitled to have and to hold to them and their successors and assigns forever, the said lands, tenements, and estate, as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon, and not before, for the said corporation to enter upon said lands and real estate, and use, occupy, possess and enjoy the same, as fully and entirely as may be necessary for the erection and completion of their said bridge, and all the appurtenances thereto properly belonging.

Purposes for
which compa-
ny may enter
on lands, &c.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendants, agents, artists and workmen, to enter upon all lands and enclosures, near to the place where said bridge is to be built, and to examine the ground for the purpose of obtaining stone, gravel, or sand, necessary for the building of said bridge; and it shall and may be lawful for the said company, their superintendents, agents, or any other person in their employ, to enter on said ground with wagons, carts, sleds or sleighs, or beasts of burden, or draught of any kind whatsoever, first giving notice to the owner or owners of said land, so to be entered upon, doing as little damage as possible, and repairing any breaches of fences they may make, and first making amends for any damages that

Mode of ap-
portioning dam-
ages.

may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath, or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owner, or the said company, their superintendents, engineers, or artists, shall, after due notice, neglect or refuse to join in the choice, then the said freeholders shall be appointed, upon the application of either party, by some justice of the peace, of the county of Hunterdon, not interested, in any manner, in the said premises, or related to the parties, and such freeholders so appointed, shall make appraisement, as aforesaid, and make report thereof in writing, to each party, and the said company, by themselves or agents, after payment or tender of the said sum, so reported or appraised, shall and may enter upon, dig, take, and carry away from said premises, any stone, gravel, sand, or earth, most conveniently situated for making and perfecting said bridge, and for necessary repairs to the same.

Sec. 10. *And be it enacted*, That the said company shall keep fair and just accounts of all money received by them from the said commissioners, and stockholders, and of the amount of all profits derived to said company from the forfeiture of the stock, and also of all money by them expended in the erection of said bridge, and other appurtenances, and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge shall be fully completed, and all the costs, charges and expenses incurred in its erection shall be fully paid and discharged, and the aggregate amount of all such expenditures shall be fully ascertained.

Annual statement of accounts to be submitted.

Sec. 11. *And be it enacted*, That when a good and complete bridge is built over the said river Delaware, at Lumberville, as aforesaid, the property of the said bridge, with all and singular, the toll houses and appurtenances thereunto belonging, or in any wise appertaining, shall be, and hereby is, fully and absolutely vested in the said company, and their successors and assigns, forever; and the said company may have, demand, take and receive, and if need be, sue for and recover, from travellers and others, passing over and upon said bridge, the rates of toll here inserted.

Property of bridge vested in company.

For every coach, landeau, chariot, phaeton, or other pleasureable carriage, with four wheels, drawn by four horses, the sum of sixty cents.

Rates of tolls.

For the same kind of carriage, with two horses, the sum of forty cents.

For every wagon, with four horses, the sum of fifty cents.

For every carriage of the same description, drawn by two horses, the sum of fifty cents.

For every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh, or sled, with two horses, the sum of thirty-one and a fourth cents.

For the same. with one horse, the sum of fifteen cents.

For a single horse and rider, the sum of ten cents.

For every led or driven horse, or mule, the sum of five cents.

For every foot passenger, the sum of one cent.

For every head of horned cattle, the sum of three cents.

For every sheep or swine, the sum of half a cent.

Proviso.

Provided, that all persons going to and returning from funerals, persons going to and returning from meeting or church, children going to and returning from school, and persons going to and returning from military trainings, shall pass free of toll: *provided also*, that in fixing the toll of all carriages to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse, and the said company shall so construct the said bridge as in no wise to injure, stop or interrupt the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the said river.

Proviso.

Penalty for injuring bridge.

Sec. 12. And be it enacted, That if any person or persons, shall wilfully cut, destroy, break or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending, shall forfeit and pay, for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court of competent jurisdiction.

Penalty for exacting unlawful tolls.

Sec. 13. And be it enacted, That if the said company, their successors or assigns, or any person or persons who shall have at any time the possession, ownership, or management of the said bridge, shall demand or collect any greater rates or prices, for toll, for passing over said bridge, than those which are hereinbefore fixed and specified, or shall neglect at any time to keep the said bridge in good repair, he, she, or they, so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one third thereof, for the use of the poor of the township of Kingwood, in the county of Hunterdon, one third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one third thereof, to the person who shall sue for the same; *provided*, that no suit or action shall be

brought, unless within thirty days after such offence or offences shall be committed.

Sec. 14. *And be it enacted*, That the said corporation shall have power to agree with any owner or owners of ferries or shad fisheries, that may be injured by the erection of the said bridge, and to compensate them for any damages they may sustain thereby; and if they cannot agree with such owner or owners; then and in such case the said damages shall be ascertained and paid, in the manner provided for in the ninth section of this act; *provided*, that no person shall receive any compensation for ferrying at any ferry which shall have been purchased, and paid for by the said company, after the said bridge shall have been completed.

Compensation
to owners of
ferries or fish-
eries injured.

Sec. 15. *And be it enacted*, That the said company shall also keep a just and true account of all, and every, the money received by their collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom, all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for rebuilding and repairing the said bridge; and shall on the first Monday in May and November in each and every year, publish the dividend to be made of the said clear profits thereof, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

Dividends to
be made.

Sec. 16. *And be it enacted*, That nothing in this act contained, shall be so construed, as to authorize the said corporation, to exercise any banking privileges, or to issue any notes in the form of bank notes, or to do any other act or thing than to erect a bridge over the river Delaware, with suitable toll houses at the place designated in this act.

Exclusive pri-
vileges.

Sec. 17, *And be it enacted*, That the Legislature of this state, may for proper cause, at any time hereafter, alter, modify, amend or repeal this charter.

Act may be
altered or re-
pealed.

Passed, February 12, 1836.

AN ACT to incorporate the Medford Rail Road and Transportation Company.

Style of incorporation.

Powers.

Amount of capital stock.

Proviso.

Books of subscription for stock to be opened.

Time and mode of election of first directors.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Edward Hilyard, Edward Thomas, Benjamin Shreve, jr., Samuel B. Finch, Jesse Richards, Nicholas Sooy, and David Cole, and such other persons as may hereafter be associated for the purpose, shall be, and hereby are made, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Medford Rail Road and Transportation Company," and by that name they, their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Sec. 2. *And be it enacted,* That the capital stock of said company shall be seventy-five thousand dollars, with liberty for the company to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct; *Provided always* that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Sec. 3. *And be it enacted,* That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper; and after one-half or more of the stock shall be subscribed, and five dollars paid on each share, shall give notice for a meeting of the stockholders to choose nine directors, which election shall be made at the time and place appointed, by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share shall entitle the holder thereof to one vote for every share not exceeding twenty, and one vote for every five shares above twenty and not exceeding one hundred, and one vote for every twenty

shares above one hundred; and the above named persons, or a majority of them, shall appoint three stockholders to be inspectors of the said election, who shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors; and the directors chosen at such meeting, or at the annual elections, shall as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them, and in case of the absence of the president, they or a majority of them may appoint a president pro tempore.

President to be chosen.

Sec. 4. *And be it enacted*, That an annual election for directors shall be held at such time and place in the county of Burlington as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in some newspaper published in said county, at which the stockholders shall vote in the same manner as at the first election; *Provided always* that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, upon giving the proper notice; and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Time and mode of annual election of directors.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of the same at such times and by such instalments as they may think proper, first giving notice of the time and place where and when such instalment is required to be paid, by publishing the same in one or more of the public newspapers printed in the county of Burlington, at least thirty days previous, which instalments required to be paid shall not exceed the sum of five dollars at any one time; and in case of the non-payment of any such instalments to forfeit the share or shares upon which such default shall arise, if not paid within twenty days thereafter; and to make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation; and also, to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Powers and duties of directors.

Stock forfeited on failure to pay instalments.

Location of
rail road.

Branches may
be constructed.

Sec. 6. And be it enacted, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out and construct a rail road in the county of Burlington, not exceeding sixty-six feet in width, with as many sets of tracks and turn outs as they may deem necessary; to begin at such convenient point or place at the tide waters of the Rancocus creek, in or near Lumberton, in said county, and within half a mile of the bridge in Lumberton, over said creek, to be fixed upon by the president and directors; thence through Medford along the main street, if in the opinion of the president and directors it can be constructed there without materially interrupting the common travel, or increasing the cost of constructing the road, or lessening its general usefulness, but if in their opinion it cannot, then to be located as near the said main street as the ground and other circumstances will admit of, but in no case to be located more than one and an half miles from said main street; thence to or near Atsion Furnace, thence to or near Batsto Furnace, thence to a suitable point or place on the Mullicas river, between the forks thereof below Batsto and what is called the upper Bank, as may be fixed on by the president and directors; and it shall be lawful for the said company to make a branch rail road to some other point or place on the said Rancocus creek, on either side, for a landing place, within one mile of the aforesaid bridge, which said branch shall intersect the main line within half a mile of said bridge; and in order to give all the owners of landings on both sides of the said creek, within one mile of the said bridge, as nearly equal advantages of the main line of the said road, it shall be lawful for any person or persons owning landings, or the representatives of the owners, to construct branch rail roads to their said landings, and to charge toll thereon in the same manner and at the same rates as this corporation is authorized to charge; and for the purpose of constructing said branches he or they are invested with the same privileges and subject to the same liabilities, and reservations, as this corporation are entitled and subject to; and it is further provided, that if the main line of the said rail road, or any branch thereof authorized by this act, shall be located, over or across the said creek, the said corporation or the owner or owners of any of the aforesaid landings, are hereby authorized and empowered to build a bridge over the same, suitable for rail road carriages to pass over thereon; but if it is built more than thirty yards below the present bridge, they shall put a draw in it, at least twenty feet wide in the clear, and place it over the best channel of the creek in a line with the course of the stream, and in such position as to do the least injury

to the navigation thereof, which said bridge shall be built, kept up and maintained at the expense of the said company; and the owners of the landings on the Mullicas river, between the forks thereof below Batsto aforesaid and the said upper bank, shall have the like powers and authority to construct branch rail roads from their landings, and connect them with the main line of said road within one mile of the said river, and to charge toll thereon in the same manner and at the same rates, and be invested with the same privileges, and subject to the same liabilities and reservations as the owners of the landings at Lumberton aforesaid are entitled and subject to; and it shall be lawful for the owner or owners of land through which the said main line of the rail road may pass, to construct branch or spur rail roads on their own lands, and connect them with the said main line; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling, or laying out said road and of locating the same, and to do and erect all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on and a survey thereof filed in the clerk's office of the county of Burlington, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use, occupy, and excavate such lands, and to erect and lay rails, embankments, bridges, and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided: *Provided always*, that payment or tender of the payment of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

Owners of land authorized to construct branches

Survey of route to be filed in clerk's office of Burlington.

Proviso.

Sec. 7: *And be it enacted*, That when a particular description of the land required for the use of the said company in the construction of said road shall be given in writing under the oath or affirmation of some engineer, or proper agent of said company, and also the name or names of the occupant or occupants and of the owner or owners, and their residences, if the same can be ascertained, then if the owners of the land on which said rail road shall be made, shall not be willing to give the same for such purpose, and the said com-

Proceedings when the company and owners of land cannot agree.

pany and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the said county of Burlington who is disinterested in the premises, upon the application of either party, and after giving ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of said county, to assess the price or value of said land, who shall be sworn or affirmed before said judge faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet and view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all the papers relating thereto, in the clerk's office of said county, there to be kept as a public record, and copies taken by either party if required; and if either party shall feel aggrieved by the decision of the said commissioners, the said party so aggrieved may appeal to the inferior court of common pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party of such appeal, which proceeding shall vest in the said court full right and power to hear and adjudge the same, and if required, they shall order a jury to be struck and a view of the premises had and the said issue to be tried before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be deducted out of the said sum so awarded, or execution issue therefor, as the said court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid; *Provided always*, that such application or petition of appeal shall not prevent the company from taking the land upon filing the aforesaid award and decision, or invalidate the rights given by this act upon so doing.

Sec. 8. And be it enacted, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any legal disability which would prevent their agreement with said company, then it shall be the duty of said corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of said corporation.

In certain cases company to pay the value of lands into the Court of Chancery.

Sec. 9. And be it enacted, That the president and directors of the said company shall have power to construct or purchase and place upon their said road, wagons, carriages, or vehicles, steam engines and carriages propelled by steam excepted, for the transportation of passengers or any species of property thereon, as they may think proper, provided they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger on said road in the carriages of the said company; or three cents per mile per each ton of property, or three cents per mile for each passenger carried on said rail road in the carriages of others; and three cents per mile for each empty carriage. And that the said rail road and appendages, and the land over which the same shall pass, and all the works, improvements, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act.

Rates for passage of transportation.

Sec. 10. And be it enacted, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over, across, or under the said road where any public or other road shall cross the same, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over, under, or across said rail road so that he may easily pass the same.

Other roads not to be obstructed.

Sec. 11. And be it enacted, That the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any rail road carriage thereon with passengers or property, upon payment of the tolls prescribed by this act, *provided always*, that the said carriages so used thereon shall be of the same description in the formation of the wheels and length of axle as those used by the company, and shall be regulated as to the times of starting

Rail road a public highway.

and rates of travelling by the company in the same manner as the carriages of the company are.

What real estate may be held.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, shops, and other buildings and improvements as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, issues, and profits thereof.

Penalty for injuring road or works.

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said company, the sum of fifty dollars to be by them recovered in any court of competent jurisdiction in an action of debt, and further shall be liable for all damages, or may be proceeded against by indictment, and on conviction thereof, may be sentenced to imprisonment for any term not exceeding twelve months.

Dividends to be made semi-annually.

Sec. 14. *And be it enacted*, That the president and directors shall, within one year after ten miles of the said rail road shall be completed, so as to be fit for use, declare and make such dividend as they may deem prudent and proper of the net profits thereof, if any, and shall in like manner semi-annually thereafter, declare such dividends and pay the same to the stockholders in proportion to the amount of stock held by them respectively.

Cost of road to be filed with secretary of state.

Sec. 15. *And be it enacted*, That when the said rail road with its appendages shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the Secretary of State; and annually thereafter, the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state, of the expenses of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the net income of said road shall amount to six per centum upon its costs, and and as soon as it shall do so, the said corporation shall pay to the treasurer of the state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *Provided* that no other tax or impost except for township and county purposes shall be levied or assessed upon the said company.

Annual statement to the legislature.

May be taxed.

Sec. 16. *And be it enacted*, That at any time after the ex

piration of fifty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor its value not exceeding the original costs of the same. When state may take the road.

Sec. 17. *And be it enacted*, That if ten miles of the said road shall not be made fit for use in six years from the passage of this act, and the whole distance not completed in ten years, then the right of the company to that part which shall then be unfinished, shall wholly cease and be void, and the land of that part of the road unfinished, shall revert in the original owners, their heirs and assigns; *Provided*, that nothing herein shall prevent the said corporation from the use and enjoyment of such part of the said road as is finished within the said ten years. Time limited for completion of road.

Sec. 18. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, modify, or amend this charter whenever in their opinion the public good shall require it. Act may be altered or repealed.

Passed, February 12, 1886.

AN ACT to authorize John G. Bartholf, guardian of the heirs of Isaac Herbert, deceased, Annanah Gifford, guardian of Hannah Herbert, infant daughter of Jacob Herbert, deceased, and Lydia Hays, administratrix of Jonathan Hays, deceased, to sell and convey certain real estate, in the county of Monmouth.

WHEREAS it appearing to the legislature that James P. Al-
laire is desirous of making a short canal to the Howell Preamble.
Works, in the township of Howell, in the county of Mon-

mouth, for the purpose of increasing the water power at said works, through his own lands, with the exception of the tracts belonging to the heirs of Isaac Herbert, deceased, and Hannah Herbert, infant daughter of Jacob Herbert, deceased, and the lands of Jonathan Hays, deceased; *And whereas* it appears that only about sixty-six feet in width, for the purposes of said canal, are necessary across said lands, and that John G. Bartholf, guardian of the said heirs of Isaac Herbert, deceased, Annaniah Gifford, guardian of Hannah Herbert, infant daughter of Jacob Herbert, deceased, and Lydia Hays, administratrix of Jonathan Hays, deceased, have, by their petition, requested that they be respectively authorized to sell so much of the tracts aforesaid, to the said James P. Allaire, as will enable him to make said canal, not exceeding sixty-six feet in width, across said tracts, they, by their petition, representing such sale to be for the benefit of their respective wards and estates, and it appearing to be reasonable and just—
Therefore,

Guardians authorized to sell certain lands to J. P. Allaire.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said John G. Bartholf, guardian, as aforesaid, Annaniah Gifford, guardian, as aforesaid, and Lydia Hays, administratrix, as aforesaid, be, and they are hereby respectively authorized to sell to the said James P. Allaire, so much of the respective lands, before referred to, not exceeding sixty-six feet in width, across said lands, for the purpose aforesaid, and to make, respectively, good and sufficient deeds therefor, and which deeds shall have the same force and effect, as if made and executed by the said Isaac Herbert, Jacob Herbert, and Jonathan Hays, respectively, in their life time.

Distribution of proceeds of sale.

Sec. 2. *And be it enacted,* That the consideration moneys respectively received by the said guardians and administratrix, shall be assets in their respective hands for the sole use and benefit of the respective persons who may be entitled to the same, as if the same had been continued vested in the said lands so sold, and that the said guardians and administratrix, respectively, account for the proceeds of said sales, respectively, to the orphans' court of the said county of Monmouth; and the said guardians and administratrix, respectively, shall give such security by bond to the governor of this state for the performance of their duties under this act, as shall be required by the orphans' court of the county of Monmouth.

Trustees to give bond to the governor and account to orphans' court.

Passed, February 12, 1836.

A SUPPLEMENT to an Act entitled "An Act incorporating the inhabitants of townships; designating their power and regulating their meetings," passed the twenty-first of February, one thousand seven hundred and ninety-eight.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the town clerk, in addition to the duties prescribed by the act to which this is a supplement, shall, within twenty days after every election for the surveyors of the highways, transmit to the clerk of the court of common pleas of the county, to be by him filed, the oath or affirmation of such surveyor or surveyors, as may have been presented to him within the time prescribed by law, a copy of which oath or affirmation shall be first filed by the said town clerk, and remain of record in his office. Oath of surveyors of highways to be filed in clerk's office.

Sec. 2. *And be it enacted,* That so much of the twentieth section of the said act as requires the clerk of the township to file the original oath or affirmation of a surveyor of the highways be, and the same is hereby repealed. Part of former act repealed.

Passed, February 12, 1836.

AN ACT to divorce Nicholas D. Van Buskirk from his wife, Nancy Van Buskirk.

Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Nicholas D. Van Buskirk, of the county of Essex, be, and he is hereby divorced from his wife Nancy Van Buskirk; and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony. N. D. Van Buskirk and Nancy Van Buskirk divorced.

Passed, February 12, 1836.

AN ACT to authorize trustees, therein named, to sell certain real estate whereof Meribah Fowler, late of the county of Burlington, died seized.

Preamble.

WHEREAS Meribah Fowler, late of the township of Chesterfield, county of Burlington, and state of New Jersey, departed this life on or about the ninth day of December last past, intestate, leaving the following heirs at law, her surviving, to wit: Abraham T. Ellis, Charles R. Ellis, John B. Ellis, and Amos Ellis, children of John Ellis, deceased, who was son to Elizabeth Ellis, deceased, who was a sister, of the whole blood, of the said intestate, the said Charles R., John B., and Amos, being minors, under the guardianship of their mother, Elizabeth T. Harris; also, Meribah Ellis, Barzilai Ellis, David Ellis, Elizabeth Gibbs, wife of Joseph N. Gibbs, formerly Elizabeth Ellis, and Peter Ellis, all children of the aforesaid Elizabeth Ellis, deceased; also, George W. Ridgway, Maria L. Ridgway, Elizabeth L. Ridgway, Rebecca L. Ridgway, and Charles H. Ridgway, children of Joseph Ridgway, deceased, who was the son of Mary Ridgway, deceased, who was a sister, of the whole blood, of the said intestate, which said George W., Maria L., Elizabeth L., Rebecca L., and Charles H., are minors, under the guardianship of Sansom Perott; also, Sarah Dugdale, late Sarah Ridgway, daughter of the aforesaid Mary Ridgway, deceased; also, Charles Ridgway, son of the said Mary Ridgway, deceased; also, Eliza Bishop, wife of William Bishop, late Eliza Ridgway, and daughter of the said Mary Ridgway, deceased; *And whereas* the said Meribah Fowler was, at the time of her death, seized in fee of certain lands and tenements, in and near the village of Crosswicks, in the township and county aforesaid; and the heirs of said Meribah Fowler have petitioned the legislature, setting forth, from the peculiar situation of the said real estate, and the great number of heirs of the said intestate, that it is impossible to make a fair division among them, and that the necessary repairs, and difficulty of procuring suitable tenants, render the said real estate, as at present situated, of little or no profit to any of them, the said heirs, and praying the legislature to appoint trustees to sell the said real estate, with power to make deeds of conveyance to the purchasers thereof; and the petition of the said heirs appearing reasonable and just—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of*

the same, That David Ellis and Peter Ellis be, and they are hereby appointed, trustees, with full power and authority to sell and convey all the real estate, belonging to the heirs of the said Meribah Fowler, of which she was in the possession at the time of her death, for the highest sum or sums of money the same will bring, at public sale, at least thirty days notice being first given, of the day of sale, by advertising in one or more newspapers published in the county of Burlington, and by hand bills set up at five or more public places in the vicinity of the said property; and to execute make and deliver a good conveyance or conveyances in law, to the purchaser or purchasers of the same, and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns forever, all the estate, right, title and interest which the said Meribah Fowler, deceased, had of, in and to the said premises, with the appurtenances, at the time of her death.

Trustees authorized to sell lands of heirs of M. Fowler.

Sec. 2. *And be it enacted*, That before the said trustees shall enter upon the trust reposed in them by this act, they shall enter into bond to the governor of this state, with such surety and in such sum as shall be approved by the orphans' court of the county of Burlington, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be deposited in the office of the secretary of this state.

Bond to be given to the governor.

Sec. 3. *And be it enacted*, That the said trustees, within one year after the sale of the said real estate shall be completed, shall exhibit, under oath or affirmation, to the surrogate of the said county of Burlington, an exact statement of the amount of sales, and the amount they have received for the same, to be by him recorded and filed in his office.

Trustees to account to orphans' court of Burlington.

Sec. 4. *And be it enacted*, That the said trustees shall be accountable for all money so received by them, and after paying off all legal claims and liens of said estate, if any, together with such reasonable charges for their services as shall be allowed by the orphans' court of the county of Burlington, shall distribute the surplus moneys among the heirs of said deceased according to law; and the receipt or discharge of the said heirs, or their proper guardians, shall be their sufficient vouchers to settle up the said estate in the orphans' court aforesaid.

Distribution of proceeds of sale.

Sec. 5. *And be it enacted*, That nothing in this act contained shall effect the descent of the proceeds of the sales of said real estate, but the same shall descend as the said real estate would have done had this act not been passed.

Proceeds to descend as lands.

Passed, February 13, 1836.

A FURTHER SUPPLEMENT to "An Act to incorporate the New Jersey, Hudson and Delaware Rail Road Company," passed the eighth day of March, A. D. eighteen hundred and thirty-two.

Location of
branch road.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the New Jersey, Hudson and Delaware Rail Road Company, to construct, or cause to be constructed, a lateral rail road, to commence at the Delaware river, within six miles above, or at the junction of the Paulins Kill, with said Delaware river, and to run from thence through the counties of Warren and Sussex, to the New York state line, somewhere between the Warwick and Blue Mountains, within five miles of where the Waln Kill crosses the said line, with power to build a bridge across the Delaware river, by and with the consent of the state of Pennsylvania, so as not to cause any obstruction or impediment, to the free navigation of said river; also, with power to join upon any rail road already chartered, or to be chartered, leading to the Hudson river, at or near Newburgh.

Books of sub-
scription to be
opened.

Sec. 2. *And be it enacted,* That for the purpose of authorizing the said company to make, or cause to be made, the said lateral road, subscriptions may be raised to the amount of five hundred thousand dollars, and the privilege of increasing it to eight hundred thousand dollars, and that Samuel Fowler, John Bell, Joseph Chandler, William Hyberger, Enos Goble, Daniel Haines, Samuel Price, John I. Blair, and Joseph E. Edsall, be, and they are hereby appointed commissioners to open books for subscription to such stock, whose duty it shall be to open books for receiving subscriptions for such stock, and proceed therein in the same manner prescribed by the act to which this is a supplement, for receiving subscriptions to the stock for the main road; and the said commissioners shall cause certificates to be issued to the subscribers for such stock.

Election of
first directors.

Sec. 3. *And be it enacted,* That when the said stock shall have been subscribed, the commissioners shall proceed to give notice of a meeting of the holders of said stock, to choose eleven directors in the same manner as is prescribed in the act to which this is a supplement, and they shall be authorized to construct the said lateral road of the same width and dimensions as the road authorized in the original act; and the said directors, and the stockholders aforesaid, shall have respectively, the same rights, powers, and privileges given and granted by the said act, to the directors and stockholders of the said New

Jersey, Hudson and Delaware Rail Road Company, and be subject to all the restrictions, limitations, taxes, conditions, and provisions in the said act contained, in the same manner, and to the same extent and effect, as if the same were herein again repeated, and be entitled to raise and take the same rates of toll for transportation and travelling on said lateral road, hereby authorized to be erected, as are specified and allowed by the said original act, to be raised and taken on the road in said act mentioned.

Powers and privileges of directors and stockholders.

Sec. 4. *And be it enacted*, That the said capital stock of the said lateral road, so subscribed for as aforesaid, and the dividends and profits thereof, shall be held and enjoyed separate, apart, and distinct from the stock of the main road, and not be subject to any contracts or liabilities for the same; *provided*, that in the event of there being any other land or lands taken or used by authority of this act, over and above the land necessary for this rail road which shall not exceed two acres in any one township through which said road shall run, then, in that case, it shall be liable to the same taxation that other lands are liable to, in the counties where said land shall be used or taken; *Provided also*, that if any part of said lateral road, authorized to be constructed by virtue of this supplement, should be abandoned, or not made within the time limited by the act to which this is a supplement, then, in that case, this supplement shall be null and void.

Stock held separate from main road.

Proviso.

Proviso.

Sec. 5. *And be it enacted*, That the Legislature may alter, amend, and modify this further supplement whenever in their opinion the public good shall require.

Act may be altered or repealed.

Passed, February 13, 1836.

AN ACT to authorize John T. Hutchinson, and Runey R. Forman, to sell certain real estate, in the county of Monmouth.

Preamble.

WHEREAS John Vaughan, late of the township of Upper Freehold, of the county of Monmouth, deceased, in and by his testament and last will, devised certain real estate there situate, of about one hundred and seventy acres, to be equally enjoyed by his two daughters, Rebecca Ward and Elizabeth Downes, and to the descendants of Rebecca, except her son John, in the event of the death of Elizabeth Downes without issue: *And whereas* it hath been represented to the Legislature, that the said Rebecca Ward hath departed this life, leaving descendants her surviving; and that the said Elizabeth Downes hath attained an advanced age without having issue; and that the interest of the parties would be greatly promoted by a sale of the said premises; and the parties interested therein, having, by petition, prayed for legislative aid in the premises, and the prayer of the said petitioners appearing to be reasonable—therefore,

J. T. Hutchinson and R. R. Forman authorized to sell real estate

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said John T. Hutchinson and Runey R. Forman, be, and they are hereby empowered to make sale of all and singular the said real estate whereof the said John Vaughan died seized, for the best price that can be obtained for the same at public vendue, first giving notice thereof as executors and administrators are required by law to do, and which, by his last will and testament, were devised “to be equally enjoyed by his said two daughters, Rebecca Ward and Elizabeth Downes, and to the descendants of Rebecca, except her son John, in the event of the death of the said Elizabeth Downes without issue:” and to execute and deliver good, legal, and sufficient deed or deeds, in their names, to any purchaser or purchasers thereof; which said deed or deeds shall convey to, and vest in, the purchaser or purchasers of the said real estate, all the right, title, interest and estate whatsoever, of the said devisees and their descendants, in and to the same.

Investment and distribution of proceeds.

Sec. 2. *And be it enacted,* That the said John T. Hutchinson and Runey R. Forman, shall invest the nett proceeds of the sale of the said real estate in some safe securities, drawing interest for the use of the parties, under the direction of the Orphans’ Court of the county of Monmouth, until the decease of the said Elizabeth Downes, and until William Ward, one of the

descendants of the said Rebecca Ward, shall be of full age, if he shall so long live : *Provided*, that the one moiety of the said proceeds shall be secured by bond and mortgage upon the said premises, conditioned for the payment of the interest thereof, annually, unto the order of the said Elizabeth Downes, for and during her natural life ; and, at her decease, without issue, the principal to be paid to the descendants of the said Rebecca Ward, except the said John Ward ; and in accordance with the provisions of the said Rebecca Ward, except the said John Ward ; and in accordance with the provisions of the said last will and testament of the said John Vaughan ; *Provided also*, that this act shall not be construed to the prejudice of the just and lawful claims of other persons not named and embraced herein.

Passed, February 15, 1836.

AN ACT to revive the Act entitled "An Act to Incorporate the Passaic Turnpike Company," passed February second, eighteen hundred and thirty-three.

WHEREAS it appears that the act incorporating the Passaic Turnpike Company has expired by its own limitation, and it is represented that the construction of said turnpike can now be effected, and that it would afford great convenience to the inhabitants of that part of the state, as well as to travellers in general—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act passed on the second day of February, one thousand eight hundred and thirty-three, entitled "An act to Incorporate the Passaic Turnpike Company," be, and the same is hereby revived, and made of the same force and effect, as if the said company had commenced their operations within the time limited in the ninth section of their charter.

Former act revived.

Commission-
ers to receive
subscriptions
for stock.

Sec. 2. *And be it enacted,* That John B. Roe, Andrew Parsons, Evert H. Van Ness, Peter G. Speer, John Colt, Peregrine Sandford and Elias B. D. Ogden, be the commissioners in the place of those named in the first section of said act of incorporation.

Limitation
for comple-
tion of road.

Sec. 3. *And be it enacted,* That the said company shall commence the said road within three years from the date of this act, and finish the same within five years, according to the true intent and meaning of the act of incorporation; and that such parts of the original act as come within the purview of this act, and interfere with the same, be, and the same are hereby repealed.

Passed, February 15, 1836.

AN ACT to incorporate the Belleville Rail Road and Transportation Company.

Style of incor-
poration.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That James S. Morris, William Stephens, John C. Lloyd, Jacob K. Mead, Richard R. Lansing, John Kennedy, Ralph Pomeroy, Smith W. Anderson, David Marvin, Elihu Townsend, and John Rutherford, jun., and their associates, shall be, and are hereby constituted a body politic and corporate, by the name of "The Belleville Rail Road and Transportation Company;" and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name shall be capable of purchasing, or of otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate; shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure; and shall have, en-

Powers

joy, and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred and fifty thousand dollars, with privilege for the company to increase the same to three hundred thousand dollars; and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Amount of capital.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in two of the newspapers printed in the town of Newark and city of New York; and that the said books shall be kept open at least two days, and as much longer as the said persons, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers, as they may deem expedient and conducive to the object of the incorporation.

Books of subscription to be opened.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors; and such election shall be made by ballot, at the said time and place, by such stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation; and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors, for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named

Time and mode of electing directors.

President to
be chosen.

Vacancies sup-
plied.

Corporation
not dissolved
on failure to
elect on day
prescribed

Stock forfeited
on failure to
pay instalment

Location

in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose, out of their own number, a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Sec. 5. And be it enacted, That in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time on notice as aforesaid; and the directors, for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Sec. 6. And be it enacted, That five directors of said corporation shall be competent to transact all business of said corporation; and they shall have power to call in the remainder of the capital stock of said company by such instalments, not exceeding five dollars on each share, at any one time, and at such times as they may direct, giving at least thirty days notice in two newspapers printed in the town of Newark and city of New York; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and shall, also, have power to appoint a secretary, treasurer, engineer, agents, superintendents, and such servants, as may be required to transact the business of the corporation, with such compensation to them, and the president, as to the board shall seem proper; and that they shall exact from the treasurer sufficient security for the due performance of his trust; *Provided* said by-laws be in no respect repugnant to the laws of this state or of the United States.

Sec. 7. And be it enacted, That the president and directors be, and they are hereby authorized and invested, with all the rights and powers necessary and expedient to survey, lay out, and construct a rail road, or lateral roads, from one or more suitable place or places in the village of Belleville, and

from thence, joining the road of the New Jersey Rail Road and Transportation Company, at any suitable place or places, between the Passaic and Hackensack rivers, not exceeding sixty-six feet wide, with as many sets of tracks and rails as they may deem necessary; crossing the Passaic river upon, or adjoining the present Belleville bridge belonging to the Belleville Bridge Company, with their consent; but if such consent cannot be obtained, then at some point, not exceeding one hundred feet, either north or south of said bridge, with a draw in a line and corresponding with the present one, and of equal or greater width, and not less than twenty-eight feet; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route or routes of such rail road or lateral roads, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes, and the location of such road or lateral roads, shall have been determined upon, and a survey of such route or routes, or location, deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable and necessary for the completion or repair of the said road or roads, and to carry into full effect the object of this incorporation; and may, also, take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering, or extending the said road or roads, or any of the works or appendages, subject to such compensation to be made therefor, as is hereinafter provided, and repairing any breaches they may make in enclosures; *Provided always,* that the payment, or the tender of payment, of all damages, for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained; *And provided also,* that it shall be lawful for any person or persons, owning any landing or manufactory, to which said rail road shall not be laid by this com-

Purposes for which company may enter on lands, &c.

Provide.

Provide.

pany, to erect and build a branch rail road to intersect said rail road, at such point or points, within two miles of the main line of said rail road; and to charge tolls thereon in the same manner, and at the same rates, as this corporation is authorized to charge; and for the purpose of constructing said branch rail road, he or they shall be invested with the same privileges, and be subject to the same liabilities and reservations, as this corporation are entitled and subject to; *And provided also*, that the said road shall not be located, so as to interfere with, or prevent the travelling on, the Belleville turnpike road.

Proceedings
when compa-
ny and own-
ers of land
cannot agree.

Sec. 8. *And be it enacted*, That when said company, or its agents, cannot agree with the owner or owners of any such required lands, or materials, for the use or purchase thereof; or in case any such owner or owners thereof, shall be feme covert, or under age, non compos mentis, or reside out of the state, then it shall and may be lawful to and for the said directors, to apply to any justice of the supreme court of this state, who, upon such application, is hereby authorized and empowered, enjoined and requested, to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements shall be, commanding him, that by the oaths or affirmations of twelve good and lawful men, of his bailiwick, who shall be indifferent to the parties; he shall enquire whether the person or persons owning any lands, tenements, or hereditaments, necessary to be used by the said directors, or which may be injured in establishing such rail road or roads, which person or persons shall be named, if known, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any, and what damages by reason or means of taking such lands, tenements, or other real hereditaments, gravel or materials, necessary or expedient for the use of such rail road or roads, or the repair thereof, or the works thereto belonging; and to return the said writ, together with the finding of such jury, to the next supreme court of this state, after the finding thereof, on or before the first day of said term; and upon such writ being delivered to the sheriff, he shall give at least twenty days notice, in writing, to all and every owner or owners of the land and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper, printed in the county in which such lands lie, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises,

at the time appointed, twelve good and lawful men of his bailiwick, not residing in any township through which said rail road runs, who shall be selected in such manner, and upon like notice to the parties, as such struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently enquire concerning the matter and things in the said writ specified, and a true inquisition make, according to the best of their skill and judgment, without favor or partiality; and thereupon, the said sheriff and inquest shall proceed to view all and every lands and tenements, in such writ specified; and having considered the quantity of lands, materials, or other matters and things necessary or requisite to be vested in the said company, for the purposes aforesaid; they shall cause the same to be minutely and accurately described, by metes and bounds, or other particular descriptions; and shall value or appraise the value of the land, and the injury or damages, if any, which the owner or owners of said lands, tenements, or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the said company, or by means of such improvements being destroyed or rendered useless, or of less value, defining and ascertaining, as well as all such lands, tenements, and privileges, so to be vested in said company, as the several sums at which the said injuries and damages shall be so assessed; and in making such valuation and appraisement, it shall be the duty of the jury or juries, to allow compensation for the lands, tenements and hereditaments to be taken for the use aforesaid, at the fair value they would have come to before the location of the said road or roads; and a full value for all gravel, and other materials that may be used by the said company, for the purposes aforesaid; and the said sheriff and jury shall make an inquisition, under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the supreme court, according to the command of the court; and the justices of the said court shall examine the same, at the term to which it is returned; and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights and privileges intended to be vested in said company, paying the said inquisition assessed, or bringing the same into the said court, over and besides the costs of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns forever, all and every the lands,

tenements, rights, and privileges in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition *de novo*; and upon payment, or bringing into court, all such moneys as by such judgment shall be required to be paid or brought into court; all such lands, tenements, rights and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized, and possessed thereof, as the then late owner or owners was or were seized or possessed thereof.

Other roads
not to be ob-
structed.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over and under the said rail road or roads, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle, on the said road, shall not be prevented thereby; and also, where the said road shall intersect any farms or lands of any individual, to provide, and keep in repair, suitable wagon-ways over or under said rail road, so that they may conveniently pass the same.

Rates for pas-
sage and trans-
portation.

Sec. 10. *And be it enacted*, That the president and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages, and vehicles for the transportation of persons, or any species of property thereon, that they may think reasonable, expedient or right; *Provided*, they shall not charge more than at the rate of six cents per mile per ton, for the transportation of property on the said road or roads; six cents per mile for carrying each passenger on said rail ways, in carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said rail ways, in carriages of other, and three cents per mile for each empty carriage; and that the said company are hereby authorized to demand and receive money for toll, and the transportation of persons, and every species of property at the aforesaid, or such less rates as they, from time to time, shall think reasonable and proper; and that the rail road or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Sec. 11. *And be it enacted*, That the president and direc-

tors of the said company, as soon as the affairs of the company will allow, shall declare and make such dividend, as they may deem prudent and proper, of the net profits thereof; and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper; and in case they fail so to do, they shall assign their reasons, in writing, to the stockholders for such failure.

Dividends to be made and semi-annually.

Sec. 12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act, by the said company, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons, so offending, shall forfeit and pay to the said company, any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction; and also, shall be liable to pay to said company, double the amount of damages sustained thereby, to be sued for in an action of trespass.

Penalty for injuring or obstructing the road.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road or roads, not exceeding two acres at each place; and may erect and build thereon, houses, warehouses, stables, machine shops, and other buildings, as they may deem expedient for the safety of property, and construction of carriages, and other necessary uses; and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain on the Passaic river, such wharves, piers, bridges, and other facilities, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions; and for the safety of navigators, one or more lamps shall be placed at one side of the draw of said bridge; which lamp or lamps shall be lighted every evening thereafter, as long as said bridge shall stand, before it grows dark, and continue lighted until day-light, at the expense of said company; and shall keep, or cause to be kept, at the said bridge, a careful person to open the draws for the free passage of vessels with standing masts; and for each and every neglect in opening the draws, and each and every nights neglect to light the lamp or lamps, the directors of said company shall pay the sum of ten dollars, to be recovered in an action of debt, by any person suing for the same, in addition to all damages that may arise thereon; *Provided*, that nothing herein contained shall be so construed as to give the company hereby incorporated, the right to es-

What real estate may be held.

Lamps to be lighted on draw bridge.

tablish or carry on a ferry for the carrying of passengers or freight.

Rail road a public highway.

Sec. 14. *And be it enacted*, That the road or roads authorized by this act, be, and the same are hereby declared a public highway, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *Provided always*, that the said carriages so used thereon, shall be of the same description as those used by the company, in the formation of the wheels and length of axle, and shall be so regulated as to the rates of travelling, and rates of tonnage, as not to interfere with the carriages of the company, nor injure the said road.

Limitation when road is to be finished.

Sec. 15. *And be it enacted*, That if the said rail road shall not be commenced in one year, from the fourth day of July next, and completed at the expiration of five years from the same time, that then, and in that case, this act shall be void and of no effect.

Exclusive objects of incorporation.

Sec. 16. *And be it enacted*, That no part of the capital stock or moneys of the company, incorporated by this act, shall be used or employed by said company for banking or any other purposes not plainly indicated in this bill, under the penalty of forfeiting this charter.

Cost of road to be filed with secretary of state.

Sec. 17. *And be it enacted*, That when the said rail road with its appendages shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation a statement of the amount of the costs of said road, including all expenses, in the office of the secretary of state, and annually thereafter the president and treasurer of said company shall under oath or affirmation make a statement to the legislature of this state of the expense of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the net income of said road shall amount to six per cent. on its cost, shall pay to the treasurer of this state a tax of one half of one per centum on the cost from time to time of the said rail road, to be paid annually thereafter on the first Monday of January in each year; *Provided*, that no other tax or impost except for township and county purposes, shall be levied or assessed upon said company, except the common tax now levied and assessed on other property in this state.

Tax to be paid.

When state may take the road.

Sec. 18. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said rail road, the legislature of this state may take the same for the state, paying therefor the original costs of the same.

Act may be altered or repealed.

Sec. 19. *And be it enacted*, That this act shall be and continue in force for fifty years and no longer, and that the legis-

lature may at any time hereafter alter, modify, or amend this act, whenever the public good shall require it.

Passed, February 15, 1836.

A SUPPLEMENT to the act entitled "An Act to incorporate the Salem, Delaware and Philadelphia Steam Boat Company," passed, January 19, 1836.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That the first election of directors for "The Salem, Delaware and Philadelphia Steam Boat Company," shall be holden on the second Tuesday of April, next ensuing, and at such meeting the stockholders are hereby authorised to elect seven directors, instead of six, as provided for in the original act: *Provided*, that so much of the fourth section of said original act as is repugnant to, or inconsistent with this supplement, be, and the same is hereby repealed.

Time of election of directors.

Proviso.

Passed, February 15, 1836.

A FURTHER SUPPLEMENT to an Act entitled, "An Act to incorporate the Elizabeth-Town and Somerville Rail Road Company."

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of*

What real estate may be held by company.

Proviso.

the same, That it shall be lawful for the Elizabeth Town and Somerville Rail Road Company, incorporated by an act entitled "An Act to incorporate the Elizabeth Town and Somerville Rail Road Company," passed the ninth day of February, in the year of our Lord one thousand eight hundred and thirty-one, to have and to hold real estate, at such convenient places along the line or lines as may be sufficient and necessary for the use of said company, and at the commencement and termination or terminations of the road or roads authorized to be constructed by the said act, or by the act entitled "A Supplement to an act entitled an act to incorporate the Elizabeth Town and Somerville Rail Road Company," passed the eighth day of February, in the year of our Lord one thousand eight hundred and thirty-three, as the said company may deem expedient and necessary for the uses and purposes mentioned in the thirteenth section of the said original act; *Provided*, that the real estate authorized by this act to be held by the said company, shall not exceed four acres, in any one county through which the said rail road or rail roads shall pass, shall be subject to the same taxes as other freehold estate, and that the proviso to the thirteenth section of the said original act be, and the same is hereby repealed.

Passed, February 16, 1836.

AN ACT for the relief of the heirs of John Tillman, deceased.

Preamble.

WHEREAS, John Tillman, late of the township of Hardwick, in the county of Warren, in the state of New Jersey, died seized of certain real estate, situate in the counties of Sussex and Warren; and by his last will and testament, bearing date the ninth day of February, in the year of our Lord, one thousand eight hundred and twenty-four, devised said real estate, as follows, to wit: the rents of said real estate to his wife Elizabeth Tillman, so long as she should remain his widow, in lieu of her dower, the incomes of which to be applied to her own use and the education and bringing up of his children not of age; but if she should marry, then the rents and produce of said real estate, to be appropriated to the use of his children

not of age, or if they should be of age, then to be equally divided among them; and at the decease of said Elizabeth, or in case she should marry, that the said real estate, should be equally divided among his children "or their heirs"; *And whereas*, at the time of the death of the said John Tillman, there were living, his wife, the said Elizabeth Tillman; his children, Joseph Tillman, William Tillman, David Tillman, Andrew Watson Tillman, Sarah intermarried with Charles Crane, and Charlotte Tillman, and grand children, John T. Vought, son of Elizabeth Vought, deceased, a daughter of said John Tillman, and John T. Hart, and Mary M. Hart, children of Mary Hart, deceased, daughter of said John Tillman: *And whereas*, the said Elizabeth Tillman, widow of said John Tillman, William Tillman, David Tillman, Andrew Watson Tillman, Charles Crane, and Sarah his wife, John T. Hart, and Mary M. Hart and William Hart, guardian of said John T. and Mary M. Hart; John T. Vought, and Andrew Vought, jr. father of said John T. Vought, have memorialized this legislature, setting forth that said Charlotte Tillman, has since died intestate without heirs of her body; and that "the buildings and fences upon said real estate, are very much out of repair, and are daily becoming more so, and that the interest of said heirs, would be greatly promoted by an immediate sale of said real estate," but that no sale or division of said estate can be made by reason of the minority of some of the said heirs, to wit: the said Andrew Watson Tillman, John T. Vought, John T. Hart, and Mary M. Hart; and have petitioned this legislature to authorise a sale of said real estate, and to divide the proceeds thereof among the said heirs, after appropriating the interest of one third of the same, to be paid to the said Elizabeth Tillman, during her natural life or her widowhood—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Joseph Tillman, one of the executors of the last will and testament, aforesaid, be, and he is hereby authorized and empowered to grant, sell, convey, and dispose of all the said real estate, as to him may seem most expedient and advantageous, for the best price he can obtain for the same, by public sale at Johnsonburgh, in the county of Warren; first giving previous notice of said sale, by advertisement for four weeks successively, in a newspaper printed in the county of Warren, and by handbills in five or more public places in the township of Hardwick, in the county of Warren, and township of Green, in the county of Sussex; and when sold to execute in due form of law in his own name, good and sufficient deed or deeds of conveyance for the same.

Executors authorized to sell real estate.

To give bond.

Distribution
of proceeds.

Sec. 2. *And be it enacted,* That before the said Joseph Tillman shall sell the said real estate as aforesaid, he shall enter into bond to the Governor of this state, with two or more sufficient sureties, to be approved of by the surrogate of the county of Warren, in the sum of ten thousand dollars, and deposited in the office of said surrogate, conditioned for the security, distribution and payment of said purchase money, as follows, to wit: one third thereof to be secured by bond and mortgage on said land, the interest thereof to be paid to said Elizabeth Tillman, yearly, during her natural life or her widowhood, and the principal sum to be paid to said petitioners according to their proportionate shares, their heirs or assigns, from the day of the death of said widow, and the remainder to be distributed among said heirs according to the direction of said last will and testament, and that the shares which may be due to said minors, shall be secured upon real estate by bond and mortgage, to be approved by the Orphans' Court of said county of Warren, the interest thereof to be paid to the guardian of said minors annually, according to their respective shares, and the principal to be paid to said minors as they respectively arrive at the age of twenty-one years.

Passed, February 15, 1836.

AN ACT to authorize George Vliet, and Elizabeth K. Vliet, his wife, of the county of Warren, to sell and convey certain lands therein mentioned.

Preamble.

WHEREAS, it hath been represented to the Legislature, that William Vliet, senior, of said county, conveyed to his son, George Vliet, and Elizabeth K. his wife, and to the heirs of the said George Vliet, seventy-five acres of land, bounded by the Pagest Creek, on the West, and lands of James Fleming on the east, situate, lying and being in the township of Independence, in said county, by deed bearing date the twenty-

fifth of February, A. D. eighteen hundred and thirty-one :—
And whereas, the said William Vliet, senior, and George Vliet, and Elizabeth K., his wife, have petitioned the Legislature for a law to authorize the said George and Elizabeth, to sell and convey the said lands—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That George Vliet, and Elizabeth K. Vliet, his wife, of the county of Warren, be, and they are hereby fully authorized to sell and convey, the seventy-five acres of land, as mentioned and as described in the deed recited in the preamble of this act, and to execute to the purchaser and purchasers thereof, a deed of conveyance in fee simple for the same; which deed and deeds shall vest in the purchaser and purchasers, and his and their heirs and assigns, as good, perfect, and absolute an estate of inheritance, as was vested in the said William Vliet, senior, at the time of his deeding the same to the said George Vliet, and Elizabeth K., his wife, as aforesaid; subject nevertheless to such incumbrance and incumbrances as may have been put upon the same, by the said George Vliet, and Elizabeth K., his wife, or either of them.

G. Vliet and wife authorized to sell certain lands.

Passed, February 16, 1838.

AN ACT to regulate the fishing, at certain times of the year, in the Passaic river, in the counties of Morris and Essex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person or persons, to fish with any net, seine, fykes, cribs, or other device, in or across said river, between the great falls at Paterson, to the line of the counties of Morris and Somerset, on said river, at any other time or season, except, only, between the first day of October and the first day of May, yearly and every year; and any person so offending, shall forfeit and pay the sum of ten dollars for each and

Fishing with seines at certain seasons prohibited.

every such offence, to be sued for and recovered with costs of suit, in an action of debt, by any person, before any justice of the peace of the county, wherein such offence shall have been committed, one half of the forfeit money to be paid to the person prosecuting the same, and the remainder to the collector of the township, wherein the offence shall have been committed, for the use of the township: *Provided*, that nothing in this act shall be construed or taken to prevent any person or persons from fishing with a hook and line at any time of the year.

Former act
repealed.

Sec. 2. *And be it enacted*, That the act entitled "An Act to regulate the fishing at certain times of the year, in the Passaic river, in the counties of Morris and Essex," passed the second day of March, in the year of our Lord, one thousand eight hundred and thirty-five, be, and the same is hereby repealed.

Passed, February 17, 1836.

AN ACT to incorporate the New Brunswick Manufacturing Company.

Style of incor-
poration.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That James C. Van Dyke, James Neilson, Littleton Kirkpatrick, James S. Nevius, A. S. Neilson, Edward S. Carol, George P. Molleson, and their associates, and their successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The New Brunswick Manufacturing Company," for the purpose of manufacturing cotton, wool, flax, and hemp, silk, iron, copper, and machinery, at the city of New Brunswick, in the county of Somerset, in this state, and dyeing, printing and bleaching the same, or any part thereof, and carrying on the business incident to the same, and shall have power to raise, by subscription, in shares of one hundred dollars each, a capital of five hundred thousand dollars, and as soon as five hundred shares shall be subscribed, the individuals above named, or any four of them, may, by public notice of thirty days, given in one or more of the public newspapers printed in the city of New Brunswick, call a meeting of

the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy; the said individuals above named, or any three of them, to be inspectors and judges of such first election; and the said directors, when elected, shall choose out of their number a president; and the directors of the said company shall, annually thereafter, by public notices as aforesaid, call meetings of the stockholders, for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors, shall continue in office until such election be complete, and shall, at all times, have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state and the United States; and also shall have power to call in said stock, from time to time, in such instalments as they shall think necessary, not exceeding ten dollars on each share, by giving public notice as aforesaid; and to declare forfeited to the said company, the stock with all previous payment made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above: *provided*, previous notice of thirty days shall have been given to each delinquent stockholder.

Powers and duties of directors.

Stock forfeited on failure to pay instalments.

Sec. 2. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the directors, for the time being, of the said company, shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, that then upon such neglect or refusal, the stockholders, or a majority of them, may within the time in such case prescribed by law, give notice and call such meetings, and elect directors, in like manner as if said directors had given notice as by this act is required; and if at any election for directors, two or more persons voted for, shall receive an equal number votes, then the directors for the time being, shall determine, by ballot, which of the said persons so having an equal number of votes, shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose, from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be completed.

Election to be by ballot.

How vacancies to be supplied.

Sec. 3. *And be it enacted*, That the said directors may appoint a secretary, treasurer, and such other officers and agents as they may from time to time deem necessary or useful, with such compensation as they may think adequate; and require from such officers or agents, such bonds and security for their good conduct as may to them appear reasonable and proper.

Directors to appoint other officers.

What real estate may be held.

Proviso.

Sec. 4. And be it enacted, That the said company may, for the purpose of promoting the manufactures of such articles, which are not prohibited by the laws of the state, buy, rent, take, and hold, or otherwise become seized and possessed of, and hold all such lands, tenements, water power, and other real and personal estate in the city of New Brunswick, and within two and a half miles of said city, in the county of Somerset, as may be necessary and useful for purposes aforesaid; and the same may improve and use, or sell, let or otherwise dispose of, as they shall deem proper: *Provided*, that they shall occupy none of the public streets, lanes or alleys of the said city, with their said improvements, without previously procuring the consent of the Common Council, thereof, regularly expressed by ordinance; and the said company by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Semi annual dividends to be made.

Sec. 5. And be it enacted, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the said directors, among the stockholders, and the books of the said company shall, at all times, be open for the inspection of the said stockholders: *provided*, that no dividends be made except from the actual profits of said company.

Stock personal estate.

Sec. 6. And be it enacted, That the stock of the said company shall be personal property, and transferable upon the books of said company, and that no part of the fund of the company shall be used for banking purposes.

President and directors individually liable for debts of company

Sec. 7. And be it enacted, That the president and directors of said company shall, in their individual capacities, and jointly and severally, be, and continue liable to every creditor of the said company, for the payment of all bills obligatory, or of credit, note or notes, or other legal liabilities that they or any of them may issue and circulate, or in any way be liable for and upon demand of payment being made at the usual place of doing business, and refusal thereof, an action may be brought against the president and directors of said company, in their individual capacities, and jointly and severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally, for money had and received, with a specification of the dates, sum, payees, and numbers of the said bills or notes, or other evidences of debt, or other legal liabilities so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue against the proper goods and chattels, lands and tenements of said directors so

sued as aforesaid: *provided*, that nothing in this section shall prevent any person or persons from suing or prosecuting the said corporation in their corporate capacity.

Sec. 8. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred and sixty-six, and no longer; and the Legislature may repeal, alter, or modify the same, as in their opinion the public good may require. Act may be altered or repealed.

Passed, February 17, 1836.

AN ACT to incorporate the Bergen County Rail Road and Transportation Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Joshua R. Sands, Samuel Swartwout, John C. Kayser, John Rosencrantz, James A. Stevens, Edward Curtis, James B. Murray, Edwin B. V. Wright, Martin H. Zabriskie, and such other person or persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Bergen County Rail Road and Transportation Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, necessary to the objects of this corporation, and shall be clothed with Style of incorporation.

all the rights, powers and privileges pertaining to corporate bodies, and requisite for the purposes aforesaid.

Amount of capital.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be six hundred thousand dollars, and it shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable, in such manner as the said corporation shall by their by-laws direct.

Books of subscription for stock to be opened.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at Hoboken, on the first, and at Hackensack, on the second day of April next, at the hour of twelve on each day, and continue open throughout said days, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in all the newspapers printed in the county of Bergen, and in a paper printed in the city of New York; and that the said books shall be kept open, at either of the above named places, as long as the said persons, or a majority of them, shall think proper, not less than one day at each place as aforesaid; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers, as they may deem expedient and conducive to the object of the incorporation.

Time and mode of election of first directors.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, upon each share subscribed for; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice, as above, to choose nine directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation; and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meet-

Election by ballot.

ing of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose, out of their number, a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

President to be chosen.

Vacancies supplied.

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time on notice as aforesaid; and the directors, for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved on failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the remainder of the capital stock of said company, by such instalments, not exceeding twenty dollars on each share, at any one time, and at such times as they may direct; *provided* the said instalments shall not be called for at less intervals than thirty days, and giving notice thereof by setting up advertisements in five of the most public places in the county through which the road runs, or by causing the said notice to be inserted in two or more of the public newspapers printed in said county at least twenty days previous; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; they shall decide upon the description of carriages used on said road, the weight to be carried in a carriage, the times of starting, and rates of travelling, so that no injury may be done to the said road, or impediments offered to persons or property travelling thereon; and shall, also, have power to appoint a secretary, treasurer, engineer, agents, superintendents, and such other servants as to them shall be deemed needful and proper, to transact the business of the corporation, with such

Proviso.

Stock forfeited on failure to pay instalments.

compensation to them and the president, as to the board shall seem proper; *Provided* said by-laws be in no respect repugnant to the laws of this state or of the United States.

Location

Proviso.

Survey of
route to be
filed in Secre-
tary's office.

Sec. 7. *And be it enacted*, That the president and directors be, and they are hereby authorized and invested, with all the rights and powers necessary to survey, lay out, and construct a rail road, commencing at the village of Hackensack, in the county of Bergen, through Weehawken, to a suitable place on the island of Hoboken, not to approach in any part of the route or termination thereof, nearer than one hundred feet from high water mark on the Hudson river; with as many sets of tracks and rails as they may deem necessary; *Provided*, the said road shall not exceed one hundred feet in width; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route or routes of such rail road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes and the location of such road shall have been determined upon, and a survey of such route or routes or location deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable and necessary for the completion or repair of the said road, and to carry into full effect the object of this incorporation; and may also take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering or extending the said road or any of the works or appendages, subject to such compensation to be made therefor, as is hereinafter provided, and repairing any breaches they may make in enclosures; *Provided always*, that the payment, or the tender of payment, of all damages for the occupancy of lands through which the said rail road may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained in writing.

Sec. 8. *And be it enacted*, That when the said company, or

its agents, cannot agree with the owner or owners of any such required lands, or materials, for the use or purchase thereof; or in case any such owner or owners thereof, shall be feme covert, or under age, non compos mentis, or reside out of the state, then it shall and may be lawful to and for the said directors, to apply to any justice of the supreme court of this state, who, upon such application, is hereby authorized and empowered, enjoined and requested, to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements shall be, commanding him, that by the oaths or affirmations of twelve good and lawful men, of his bailiwick, who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands, tenements, or hereditaments, necessary to be used by the said directors, or which may be injured in establishing such rail road which person or persons shall be named, if known, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any, and what damages by reason or means of taking such lands, tenements, or other real hereditaments, gravel or materials, necessary for the use of such rail road, or the repair thereof, or the works thereto belonging; and to return the said writ, together with the finding of such jury, to the next supreme court of this state, after the finding thereof, on or before the first day of said term; and upon such writ being delivered to the sheriff, he shall give at least twenty days notice, in writing, to all and every owner or owners of the lands and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper, printed in the county in which such lands lie, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises, at the time appointed, twelve good and lawful men of his bailiwick, who shall not be residents of the township through which said road passed, and shall be selected in such manner, and upon like notice to the parties, as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently enquire concerning the matter and things in the said writ specified, and a true inquisition make, according to the best of their skill and judgment, without favor or partiality; and thereupon, the said sheriff and inquest shall proceed to view all and every the lands and tenements, in such writ specified; and having considered the quantity of lands, materials, or other matters and things necessary to be vested in the said company, for the purposes aforesaid,

Proceedings
when compa-
ny and own-
ers of land
cannot agree.

they shall cause the same to be minutely and accurately described, by metes and bounds, or other particular descriptions, and shall value or appraise the value of the land, and the injury or damages, if any, which the owner or owners of said lands, tenements, or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the said company, or by means of such improvements being destroyed or rendered useless, or of less value, defining and ascertaining, as well all such lands and tenements, and privileges, so to be vested in said company, as the several sums at which the said injuries and damages shall be so assessed; and in making such valuation and appraisement, it shall be the duty of the jury or juries, to allow compensation for the lands, tenements and hereditaments to be taken for the use aforesaid, at the fair value they would have come to before the location of the said road, and a full value for all gravel and other materials that may be used by the said company, for the purposes aforesaid; and the said sheriff and jury shall make an inquisition, under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the supreme court, according to the command of the court; and the justices of the said court shall examine the same, at the term to which it is returned; and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights and privileges intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment; and the said company paying the said inquisition assessed, or bringing the same into the said court, over and besides the costs of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns forever, all and every the lands, tenements, rights, and privileges in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition de novo; and upon payment, or bringing into court, all such moneys as by such judgment shall be required to be paid or brought into court; all such lands, tenements, rights and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized, and possessed thereof, in like manner as the then late owner or owners was or were seized or possessed thereof.

Sec. 9. *And be it enacted,* That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over and under the said rail road, when any public or other road shall cross the same; so that the passage of carriages, horses, and cattle, on the said road, shall not be prevented thereby; and also, where the said road shall intersect any farms or lands of any individual, to provide, and keep in repair, suitable wagon-ways over or under said rail road, so that they may conveniently pass the same.

Other roads
not to be ob-
structed.

Sec. 10. *And be it enacted,* That the president and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on the rail road authorized by this act, all machines, engines, wagons, carriages, and vehicles for the transportation of persons, or any species of property thereon, that they may think proper; *Provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road, or six cents per mile for carrying each passenger on said rail ways in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said rail ways in carriages of others, and three cents per mile for each empty carriage; and that the said company are hereby authorized to demand and receive money for toll, and for the transportation of persons and every species of property, at the aforesaid, or such less rates as they, from time to time, shall think reasonable and proper; and that the rail road, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates for pas-
sage or trans-
portation.

Sec. 11. *And be it enacted,* That the president and directors of the said company, as soon as the affairs of the company will allow, shall declare and make such dividend, as they may deem prudent and proper, of the net profits thereof; and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

Dividends to
be made semi-
annually.

Sec. 12. *And be it enacted,* That if any person shall wilfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act, by the said company, or of any of their necessary works, bridges, carriages, or machines, such person or persons, so offending,

Penalty for
injuring road
or works.

shall forfeit and pay to the said company, any sum not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction; and also, shall be liable to pay the said company the amount of damages sustained thereby, to be sued for in an action of trespass.

What real estate may be held by company.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding two acres at each place, and that said real estate shall not be nearer than one hundred feet of high water mark, at the Hudson river, on the island of Hoboken, without the consent in writing, of the owners of Hoboken ferry, and may erect and build thereon, houses, warehouses, stables, machine shops and other buildings and improvements as they may deem necessary for the safety of property, and construction of carriages, and shall have the privilege and authority to erect, build and maintain on the river Hackensack, and such other streams as said road may cross, such piers, bridges and other facilities as they may think necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions; and for the safety of navigators, one or more lamps shall be placed at one side of the draw of the bridge over the Hackensack river, which lamp or lamps shall be lighted every evening thereafter, as long as said bridge shall stand, before it grows dark, and continue lighted until day-light, at the expense of the said company, and shall keep, or cause to be kept, at the said bridge, a careful person to open the draws for the free passage of vessels with standing masts; and for each and every neglect in opening the draws, and each and every nights neglect to light the lamp or lamps, the directors of the said company shall pay the sum of ten dollars, to be recovered in an action of debt, by any person suing for the same.

Lamps to be lighted on draw bridge.

Restrictions on the operations of the company.

Sec. 14. *And be it enacted*, That it shall not be lawful for the said company to establish, carry on, or be concerned in, directly or indirectly, any ferry for the carrying of passengers or freight; and that no part of the capital stock, or moneys of the said company, shall be used or employed by them for banking purposes, under the penalty of forfeiting this charter.

Time limited for completion of road.

Sec. 15. *And be it enacted*, That if the said rail road shall not be commenced in five years, from the fourth day of July next, and completed at the expiration of ten years from the same time, that then, and in that case, this act shall be void.

Rail road a public highway.

Sec. 16. *And be it enacted*, That the said rail road shall, and hereby is declared to be a public highway, subject to

the regulations of the said company as contained in the preceding sections of this act.

Sec. 17. *And be it enacted*, That as soon as the said rail road or roads, with its appendages, shall be finished, so as to be used, the president and treasurer of said company shall file in the office of the secretary of this state, a statement, under oath or affirmation, of the amount of the cost of said road and appendages, including all expenses; and annually thereafter the president and treasurer shall, under oath or affirmation, make a statement to the legislature of this state, of the proceeds of said road, and when the net income of said road shall amount to six per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *Provided*, that no other state tax or impost shall be levied or assessed upon the property of the said company; and that at any time within two years after the expiration of fifty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor the value of said road, not exceeding the original costs of the same.

Cost of road
to be filed with
Secretary of
State.

Sec. 18. *And be it enacted*, That this act shall be deemed and taken as a public act, and as such, taken notice of by all courts of justice in this state, without the necessity of pleading the same.

Public act.

Sec. 19. *And be it enacted*, That the legislature of this state may, at any time hereafter, alter, modify, or amend this act, whenever in their opinion the public good shall require it.

Act may be
altered or re-
pealed.

Passed, February 17, 1836.

AN ACT to incorporate the Elizabeth Port Manufacturing Company.

Style of incorporation. **Powers.** **Restrictions on employment of capital.**

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Thomas R. Wood, John B. Augur, Joseph D. Price, and Jacob G. Crane, and such other persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, by the name of the "Elizabeth Port Manufacturing Company," for the purpose of manufacturing malleable iron, steel and castings, in the township of Elizabeth, and by that name, they and their successors shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns in their corporate name shall be and are hereby made capable in law, to have, purchase, receive, hold, and enjoy any lands, tenements, hereditaments, goods and chattels, necessary and proper, to carry on the manufacturing operations aforesaid; and the same to grant, demise, pledge, convey and dispose of; and to have, enjoy, and exercise all the rights, powers, and privileges, pertaining to corporate bodies, and necessary for the purposes of this act; Provided always, that the funds of the said corporation, or any part thereof, shall not be applied, used or employed at any time in banking operations, or for any other purposes inconsistent with the provisions of this act; and that the said Thomas R. Wood, John B. Augur, Joseph D. Price, and Jacob G. Crane, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.*

Time and mode of electing directors.

Sec. 2. *And be it enacted, That the stock, property, and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year, and until others are elected in their place; and that the said directors shall be chosen at such place and time as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election not less than ten days previous, in one or more newspapers printed nearest the place where such election shall be held by such of the stockholders as shall attend for that purpose in person or by proxy; and each stockholder shall be entitled to*

a vote on each share of the capital stock he may hold in said company; and the stockholders having the greatest number of votes shall be directors, and a majority of the said directors so chosen may appoint such officers, superintendents and servants, with such compensation as they may think proper, and may remove the same at their pleasure, and shall also have power to fill any vacancy that may occur among the directors, by death, resignation, or otherwise, and may make, ordain and execute such by-laws and regulations as may be necessary and convenient for the government and management of the stock, effects, and concerns, of the said corporation; *Provided* the same are not repugnant to the constitution and laws of the United States or this state.

Directors to
appoint off-
icers and make
by-law

Sec. 3. *And be it enacted*, That the capital stock of the said company shall not exceed two hundred thousand dollars, to be divided into shares of fifty dollars each; but so soon as thirty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured, it shall be lawful for said company to commence their said business, and to call in such part of the balance of the said capital from time to time as they may deem necessary, and a majority of the said directors may call in from the said stockholders, respectively, all such sums by them subscribed at such times and in such instalments, not exceeding five dollars on each share at any one time, as they shall deem proper, upon thirty days notice of the payment of such instalments, published in a newspaper printed in said township of Elizabeth, under pain of forfeiting the shares of such stockholders and all previous payments thereon, who shall make default in such payments.

Amount of
capital stock.

Stock forfeited
on failure to
pay instal-
ments.

Sec. 4. *And be it enacted*, That the stock and property of said corporation, of whatever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of the said corporation; *Provided*, that no dividends shall be made of any part of the capital stock of the said corporation.

Stock personal
estate.

Sec. 5. *And be it enacted*, That in case it should at any time happen, that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold such election at such other time and in the manner as may be prescribed by the by-laws of said corporation.

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 9. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all transactions of the said corporation, which books shall at all times during business

Books open
to inspection
of stockhold-
ers.

hours be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Mode in
which compa-
ny may be dis-
solved.

Sec. 7. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose, provided at least three-fourths in value of the stockholders shall be present or represented therein, and vote in favor of such dissolution; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be *ipso facto* trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders at such general meeting, shall appoint other persons not less than three nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors and survivor of them, shall be trustees and trustee for the purpose aforesaid; and that stockholders owning one-fourth of the stock holden, may, by giving notice in a newspaper published in the said township of Elizabeth, for a fortnight, call a public meeting of the stockholders for the purpose of passing by-laws, and ordinances for the election of directors; and that such by-laws and ordinances shall be binding until in like manner repealed or altered, in case a majority of the stock is represented at such meeting, either in person or by proxy.

Limitation

Act may be
altered or re-
pealed.

Sec. 8. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years from the passing thereof, and from thence to the end of the next session of the legislature and no longer; and further, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever the public good requires it.

Passed, February 17, 1836.

AN ACT to incorporate "The Newark Malleable Iron Manufacturing Company."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William Stevens, Pruden Alling, Jacob Alyea, William Garthwaite, Abraham W. Kinney, Calvin Baldwin, and Otis Boyden, with their associates, their successors and assigns, be, and they are hereby incorporated by the name of "The Newark Malleable Iron Manufacturing Company;" for the purpose of manufacturing malleable iron, at Newark, in the county of Essex, and carrying on the business incident to such manufactory; and by that name, they, and their successors shall be, and hereby are, made capable in law, to have and purchase, receive and possess, enjoy and retain, to them and to their successors, any real estate necessary to carry on such business, or personal estate, goods, chattels, and effects, of what nature and kind soever; and the same to grant, demise, pledge, alien, convey, and dispose of; and also, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts and places whatsoever; and shall have, and enjoy, and exercise, all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of this act; and also, to make, have, and use a common seal, and the same to alter, and renew at their pleasure.

Style of incorporation.

Sec. 2. *And be it enacted,* That William Stevens, Pruden Alling, Jacob Alyea, William Garthwaite, Abraham W. Kinney, Calvin Baldwin, and Otis Boyden, be, and they are hereby appointed commissioners, to open books of subscription, at Newark aforesaid, to raise the sum of one hundred thousand dollars, in shares of one hundred dollars each; the said commissioners, shall give notice of the time and place of opening books of subscription, by advertising the same, in one or more of the newspapers printed in Newark, for at least four weeks next previous to such time, and to continue open for four days in succession; and if the commissioners judge it necessary, may be opened again, by giving four weeks notice as above mentioned.

Books of subscription for stock to be opened.

Sec. 3. *And be it enacted,* That the capital stock of the said corporation, shall be one hundred thousand dollars, with liberty to increase the same to three hundred thousand dollars, to be divided in shares of one hundred dollars, by giving notice as is required by the second section of this act.

Amount of capital stock

Sec. 4. *And be it enacted,* That the stock, property and affairs of the said corporation shall be managed by nine directors, one of whom they shall appoint their president, who shall hold

Time and manner of

their offices for one year, and until others shall be chosen, and no longer, which directors shall, at all times, during their continuance in office, be stockholders in the said company, in their own right, to the amount of at least five shares, and shall be citizens of New Jersey, and shall be elected at the annual meeting of the stockholders, which shall be held on the first Tuesday in October in each and every year, at such hour as the regulations of the company may prescribe; and the said president shall cause a notice to be inserted in one or more of the newspapers printed in the county where the corporation is established or carried on (and continued therein for at least four weeks) stating the names of the persons chosen and appointed directors for the ensuing year; a majority of the directors shall, on all occasions, when assembled at such place as the by-laws direct, constitute a board competent to the transaction of business, and all questions before them, shall be decided by a majority of voices; and a majority of the stockholders, or their proxies present, at any legal meeting of such stockholders, shall be capable of transacting the business of such meeting, each share entitling the holder thereof, or his proxy, to one vote; but no share shall entitle the holder thereof to a vote, unless the same shall have been held by him, one month next preceding such election; and the transfer books of said company, shall be conclusive evidence as to the ownership of such stock.

Vacancies supplied.

Duties of directors.

Proviso.

Sec. 5. *And be it enacted*, That the said president and directors, for the time being, or a major part of them, shall have power to fill any vacancy, which may happen in their board, by death, resignation, or otherwise; and to appoint and employ, from time to time, a secretary, treasurer, and such other officers, mechanics and laborers, as they may think proper, for the transaction of the business and concerns of the said company; and also, to make and establish, such by-laws, rules, and regulations, as they shall think expedient, for the management of the concerns of the said company, and the same to alter and repeal: *provided always*, that such by-laws, rules, and regulations, be not inconsistent with the laws of this state, or the United States; and the said directors, shall and may, whenever they shall deem it expedient, at such time and place, and with such notice, as they shall think proper, and as often as the interests of the company require, and their affairs permit, declare a dividend of profit, on each share, which shall be paid by the treasurer of the said company.

What lands company may hold.

Sec. 6. *And be it enacted*, That the directors and officers of said corporation shall have power to purchase any lands, workshops, and other necessary buildings, in the town of Newark, which may be required to carry into effect the object of this act; and also to purchase such real estate in the county of

Morris, or Bergen, as may be most convenient for erecting a smelting furnace to be connected with the above mentioned manufactory, and to erect such fixtures, buildings and furnaces, as may be necessary to carry on all the branches of business, incident to the objects of this charter.

Sec. 7. *And be it enacted,* That the capital stock of said company, shall be deemed personal estate, and transferable in such manner as the said corporation shall by their by-laws direct, and that the books and accounts of the said company, shall be open to the inspection of the stockholders, at all times during the business hours of the said company.

Stock personal estate.

Sec. 8. *And be it enacted,* That the directors may call in the subscriptions to the capital stock, by instalments not exceeding ten dollars on each instalment, and no more than one instalment to be called in for a period of thirty days, giving at least twenty days notice thereof, in one or more newspapers published in Newark aforesaid; and in case any stockholder shall neglect or refuse payment of such instalment or instalments for the term of thirty days after the same shall become due and payable, and after he, she, or they, shall have been notified thereof, such stockholder or stockholders so refusing to pay, shall, at the election of the directors, forfeit to the said company, all his, her, or their previous instalments, together with all interest and right whatever in said stock.

Stock forfeited on failure to pay instalments.

Sec. 9. *And be it enacted,* That the charter shall continue in force, until the expiration of thirty years from the passage of this act, and no longer.

Limitation

Sec. 10. *And be it enacted,* That the corporation hereby created shall not use any part of their capital or property in carrying on banking operations, or for any purpose not plainly indicated by this act.

Mode of emp. ployment of capital

Sec. 11. *And be it enacted,* That the legislature may alter, modify, or repeal this act, whenever in their opinion, the public good requires it.

Act may be altered or repealed.

Passed February 17, 1836.

AN ACT to dissolve the marriage contract between Joseph Willson and Elizabeth B. Willson, his wife.

**J. Willson and
E. B. Willson
divorced**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of of the same,* That the marriage contract between Joseph Willson and Elizabeth B. Willson his wife, of the county of Warren, be, and the same is hereby declared to be dissolved to all intents and purposes whatever; and the said Joseph Willson and Elizabeth B. his wife are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony; *Provided nevertheless,* that the issue of their marriage shall not, in consequence thereof, be illegitimate.

Passed, February 17, 1836.

AN ACT to authorize a trustee therein named to sell the real estate of Enoch A. Vankirk, deceased.

Preamble.

WHEREAS it is represented to the legislature that Enoch A. Vankirk, late of the township of Hopewell, in the county of Hunterdon, died intestate, siezed of a small farm or plantation, situate in the township and county aforesaid, containing about seventy-eight acres, more or less, and leaving a widow and two children, minors; *And whereas* it is further represented that said estate will depreciate in value in consequence of the decayed state of the buildings and improvements thereon, but that it may now be sold for a fair and valuable consideration, and greatly to the interest and advantage of the said heirs at law; *And whereas* it is further represented, that by reason of the minority of the said children, they are unable to join in the execution of a deed for the premises, and for these reasons, Joanna Vankirk, the widow of the said Enoch A. Vankirk, deceased, having made application on behalf of said minor children,

praying a law appointing a trustee or trustees to sell the said real estate, which application appears reasonable and just, and for the interest and advantage of said heirs at law—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William Marshall be, and he is hereby appointed a trustee, with full power and authority to sell, for the best price he can obtain, at public sale, by first giving notice thereof, by publishing the same in one of the public newspapers printed in the city of Trenton, at least thirty days previous to the day of sale, and also by setting up copies of the same in five of the most public places in the township where the lauds lie, for a like space of time, all the right, title and interest which Benjamin Vankirk and Rachel Vankirk, heirs at law of Enoch A. Vankirk, deceased, late of the county of Hunterdon, have in the real estate of the said Enoch A. Vankirk, deceased; and after such sale thereof, to make and execute good and sufficient deeds of conveyance for the same to the purchaser or purchasers.

Trustees authorized to sell real estate of E A Vankirk dec.

Sec. 2. *And be it enacted,* That the said trustee, after making sale in manner aforesaid, shall account to the orphans' court of the county of Hunterdon, at the term next succeeding such sale, for the proceeds of said sale, and after a fair and just allowance of all cost, charges and expenses attending such sale being made by the court, shall invest the balance of said proceeds at interest, on bond and mortgage, or other good and sufficient security, to be approved of by said orphans' court, the one-third of which interest shall be paid to the said widow during her natural life in lieu of her dower in the same; and in case of the death of both of the said children, then his or her share to go to his or her heir, in the same manner as if this act had not passed; but during the minority of said children, the said trustee shall pay over annually to their guardians, or other person authorized by law to receive the same, two-thirds of the interest of said money so invested, to be appropriated to their support, maintenance and education, and may pay over to their lawful guardian their share of the principal so invested at any time after the said children arrive at an age sufficient to choose their own guardians, if so ordered and directed by the orphans' court of the county of Hunterdon.

Trustees to account to orphans' court of Hunterdon.

Appropriation of proceeds of sale.

Sec. 3. *And be it enacted,* That the said trustee shall, before he enters upon the duties prescribed by this act, enter into bond to the governor of this state, with one or more sufficient securities, to be approved of by the said orphans' court

Bond to be given to the governor.

of the county of Hunterdon, conditioned for the faithful performance of said trust, which bond shall be filed in the surrogate's office of said county, for the benefit of said heirs.

Passed, February 17, 1836.

AN ACT to authorize the sale of real estate late of William Rogers, senior, in the county of Burlington.

Preamble.

WHEREAS Henry Rogers and Abner Rogers, of the county of Burlington, have, by their memorial, represented to the Legislature, that William Rogers, senior, formerly of the township of New Hanover, in the county of Burlington, was, in his life time, seized in his demense as of fee, of and in diverse tracts, surveys, pieces and parcels of pine land and cedar swamp, situate in the township of Little Egg Harbor, and elsewhere, in the said county of Burlington; and being so seized thereof, died, having first duly made and published his last will and testament in the presence of three credible witnesses, and appointed his sons, Abner Rogers and William Rogers, executors thereof; and therein and thereby did order and empower his said executors to sell all his lands and cedar swamp whatsoever and wheresoever to be found; that the said Abner Rogers and William Rogers, the said executors, afterwards died without selling the lands and cedar swamp, whereof the said William Rogers, senior, so died seized, and that the same lands and cedar swamp still remain unsold; that the said memorialists are descendants of the said William Rogers, senior, and entitled, under the said will and the laws of the state of New Jersey, to a part of the proceeds of the sales of the said lands and cedar swamp; and therefore praying that they may be authorized, by law, to make sale of the said tracts, surveys, pieces and parcels of pine land and cedar swamp, whereof the said William Rogers, senior, died seized, in fee simple, in the county of Burlington, and to pay the net proceeds of the said sale to the several persons who, under the said will and the laws of the state of New Jersey, shall be entitled to receive the same; *And whereas,*

the matters set forth in the said memorial appear to be true, and the prayer of the memorialists to be reasonable and proper—therefore.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That the said Henry Rogers, and Abner Rogers, be fully authorized and empowered to sell and dispose of, in fee simple, all tracts, surveys, pieces and parcels of pine land and cedar swamp whereof the said William Rogers, senior, died siezed, in fee-simple, in the county of Burlington, and which have not heretofore been sold or conveyed, or any part thereof, for the best price or prices that can be obtained for the same, and to make, seal, execute, and deliver good and sufficient conveyances and assurances in the law for the same, to the purchaser and purchasers, in fee-simple; and they are hereby directed to pay over the nett proceeds of such sale or sales to the several persons, who, under the said will, and the laws of the state of New Jersey, shall be entitled to receive the same, and in the proportions to which they shall be respectively entitled.

Trustees to
sell real estate

Sec. 2. *And be it enacted,* That the said Abner Rogers and Henry Rogers shall, within six months after the sale of the said land is completed, make and exhibit, under oath or affirmation, to the surrogate of the county of Burlington, a true statement of the amount of the said sale or sales, to be by him filed in his office, and that the said Henry Rogers and Abner Rogers shall be accountable for all moneys received by them, or either of them, by virtue of this act, deducting their necessary expenses, and a reasonable compensation for their services, to be allowed by the Orphans' Court of the county of Burlington, before which court they shall account for the same.

Amount of
sale to be ren-
dered to clerk
of Burlington.

Sec. 3. *And be it enacted,* That before the said Henry Rogers and Abner Rogers shall enter upon the execution of the trust reposed in them by this act, they shall enter into bond to the Governor of this state, with such security and in such amount as shall be approved of by the surrogate of the county of Burlington, conditioned for the faithful performance of the duties required of them by this act, which bond shall be deposited in the said surrogate's office.

Bond given to
governor.

Passed, February 17, 1836.

AN ACT to set off a new township in the county of Gloucester, to be called "The Township of Washington."

**Boundaries
of the town-
ship of Wash-
ington.**

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that part of the township of Deptford, in the county of Gloucester, lying within the following boundaries, to wit: beginning at the line in Gloucester township, at the mouth of Bull run, near Newkirk's Factory and Mills; thence up Bull run the several courses thereof, until it intersects the middle of the public road leading from said factory and mills, past the Burnt House, to Blunder Bridge on Mantua Creek; thence along said road south sixty-five degrees west, until that course will intersect the line of lands belonging to Thomas Bee; thence along said line of Thomas Bee, south twenty-five and a half degrees west, to a certain noted gum tree, standing in Bee's Branch, and corner to lands of Thomas Bee and J. Leonard; thence down said Branch the several courses of the water course, running through said Branch, to Mantua Creek; thence passing up said Mantua Creek along the line of the township of Greenwich; thence along the line of Franklin township, till it intersects the line of Hamilton township; thence by the line of Hamilton township to Gloucester township; thence by the line of Gloucester township to the place of beginning, shall be, and the same is hereby set off from the said township of Deptford, and declared and established a separate township, to be called "The Township of Washington."

**Time of town
meetings.**

Sec. 2. *And be it enacted,* That the first town meeting of the inhabitants of such township of Washington, after the passage of this act, shall be held on the second Wednesday of March next, at eleven o'clock in the forenoon, at the Cross Keys tavern, in the county of Gloucester, now kept by Joseph Nicholson; and that all town meetings thereafter shall be held on the second Wednesday of March, annually, at such place as the electors of said township shall, at their town meetings, from time to time, direct and appoint.

**Division of
property.**

Sec. 3. *And be it enacted,* That the town committees of the townships of Deptford and Washington, shall meet on the second Saturday next after the annual town meeting first to be held as aforesaid, at the Creasville tavern, now kept by Ephraim Beckett, in the said township of Washington, at ten o'clock in the forenoon, and shall then and there proceed, by writing signed by a majority of those present, to allot and divide between the said townships, all property and money on hand or due, in proportion to the taxable property and ratables, as taxed by

the assessor, within the respective limits of the said two townships, at the last assessment; and the inhabitants of the township of Washington, shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the town committees, should neglect or refuse to meet as aforesaid, those who do meet, shall and may proceed to make the said division, and the decision of a majority of those present, shall be final and conclusive.

Sec. 4. *And be it enacted*, That the inhabitants of the said township of Washington, shall be, and hereby are constituted a body politic and corporate, in law, and shall be styled and known by the name of "The Inhabitants of the township of Washington, in the county of Gloucester," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Gloucester are or may be entitled or subject to by the laws of this state.

Township of
Washington
incorporated.

Passed, February 17, 1836.

AN ACT to authorize William Shotwell and Isaac Prall, Administrators of David M. Shotwell, deceased, to execute a certain contract made by said deceased, with one James Jones.

WHEREAS, David M. Shotwell, deceased, late of the Township of Woodbridge in the county of Middlesex in this state, on the seventeenth day of June, eighteen hundred and thirty-five, entered into a contract in writing with one James Jones, for the sale and conveyance of a certain farm of him, the said David, adjoining the sound commonly called the Point of the Neck, containing one hundred acres of upland, and fifteen acres of salt meadow, for the consideration of the sum of six thousand dollars to be paid as in the said written contract is provided: and whereas the said David M. Shotwell

Preamble.

state of New Jersey upon the payment to the said company of the amount so reported; *Provided* that the said valuation shall in no case exceed the first cost of said road with the appendages thereof.

Limitation

Sec. 16. *And be it enacted*, That if the said rail road shall not be completed and in use within five years from the fourth day of July next ensuing, that then, and in that case, this act shall be void.

Public act.

Sec. 17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

**Restrictions
on the use of
capital.**

Sec. 18. *And be it enacted*, That no part of the capital stock or monies of the company shall be used for banking or other purposes not plainly indicated in this act, under penalty of forfeiting this charter; and that it may be lawful for the legislature at any time hereafter to alter, modify or amend the same, whenever the public good shall require it.

Passed, February 23, 1836.

AN ACT to empower Hugh H. Abernethy, Guardian of Louisa Maxwell, and Enoch Green, to sell certain real estate.

Preamble.

WHEREAS Louisa Maxwell, a minor, under the age of twenty-one years, one of the children of John S. Maxwell, late of the township of Greenwich, in the county of Warren, and state of New Jersey, deceased, is seized in fee simple of a certain tract of land of eighty-one acres and twenty-two hundredths of an acre, and of a certain wood lot of twenty acres, all in the said township of Greenwich; *And whereas* it is represented that the rents, issues and profits of the said lands are insufficient to keep the same in suitable repair, and make suitable improvements as they require; *And whereas* it is represented that the said lands are suitably situated to cut up into lots, and that it would

be greatly to the interest of the said Louisa Maxwell, the minor, to sell and convey the said lands in fee simple; but that the same cannot be done without the aid of a special law for that purpose; *And whereas* the other heirs at law of the said John S. Maxwell, deceased, have, by their petitions, asked for a law to empower the said Hugh H. Abernethy and Enoch Green, to sell the same; and that an advantageous sale thereof can be made, if power therefor be given—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Hugh H. Abernethy and Enoch Green be, and they are hereby authorized and empowered to grant, bargain, sell at public auction, and convey the said lands, tenements, hereditaments and real estate aforesaid, of the said Louisa Maxwell, in fee simple, and execute a deed or deeds thereof and therefor, which shall be as good and effectual to grant, sell, convey and assure the said lands, tenements, hereditaments, real estate, and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds was or were made by the said Louisa Maxwell, the ward herself, after she had attained her full age of twenty-one years.

Guardians authorized to sell lands.

Sec. 2. *And be it enacted,* That the said trustees, before they enter on the duties assigned them by this act, shall enter into bond to the governor of this state, his successor and assigns, with two good securities, being freeholders, resident in the said county of Warren, to be approved by the orphans' court of the said county, conditioned for the faithful performance of the duties imposed by this act, which bond shall be filed in the surrogate's office of the said county, for the benefit of all persons who may be interested in the said lands; *Provided always* that the proceeds of such sales and every part thereof shall be deemed and taken as real estate, and descend to the heir or heirs as such.

To give bond.

Proceeds to descend as real estate.

Passed, February 23, 1836.

President to
be chosen.

Vacancies sup-
plied.

Corporation
not dissolved
on failure to
elect on day
prescribed

Stock forfeited
on failure to
pay instal-
ments.

of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said person named in the first section of this act, or a majority of them; and the directors chosen at such meeting or at the annual elections of said corporation, shall, as soon as may be after every election, choose, out of their own number, a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Sec. 4. And be it enacted, That in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for this cause, be deemed to be dissolved, but such election may be held at any other time on notice as aforesaid; and the directors, for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Sec. 5. And be it enacted, That five directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the remaining capital stock of said company, by such instalments, and at such times as they may direct, by giving thirty days previous notice in two of the newspapers of the county of Burlington; *Provided* that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the non-payment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company; and to make and prescribe such by-laws, rules and regulations, not inconsistent with the constitution or laws of this state or of the United States, as to them shall appear needful and proper for the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint a secretary, a treasurer, and so many clerks and servants as to them shall seem meet, and the same at pleasure to remove, and to establish and fix such salaries to them, and also to the president, as to the said directors shall seem proper.

Sec. 6. *And be it enacted,* That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, from some suitable point on the river Delaware within the city of Burlington to some point in the town of Mount Holly, not exceeding sixty feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling or laying out the route of such rail road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *Provided always,* that the payment, or tender of the payment of all damages for the occupancy of lands through which the said rail road may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Location of
rail road.

Survey of
route to be
filed in Secre-
tary's office.

Purposes for
which compa-
ny may enter
on lands, &c.

Sec. 7. *And be it enacted,* That if the said company, or its agents, cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of the said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the said county, who shall cause the said company to give notice thereof to the persons interested, if known and in this state,

Proceedings
when compa-
ny and own-
ers of land
cannot agree.

or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, resident in the county of Burlington, commissioners to examine and appraise the said land, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment, and it shall be the duty of the said commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company, for such land, and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of said road through any improved lands over which the same may run; which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain of record therein, which report, or a copy thereof, certified by the clerk of the said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners, to recover the amount of said valuation with interest and costs in action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and either of the judges of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses, to the judges of said court, commissioners, clerks, and other persons, performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order

and direct by whom the same shall be paid, under the circumstances of the case.

Sec. 8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the judges of the inferior court of common pleas of the county, at the first or second term after the filing of the said report, by proceeding in the form of petition to the said court, which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same, or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing of the aforesaid report.

Appeal may
be had.

Jury to be
summoned.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over or under the said rail road, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle, on the said road, shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide, and keep in repair, suitable and convenient wagon ways over or under said rail road, so that they may be passable.

Other roads
not to be ob-
structed.

Sec. 10. *And be it enacted*, That the president and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on the said rail road, all machines, engines, wagons, carriages, or vehicles for the transportation of persons, or any species of property, as they may think reasonable, expedient

Power

Rates for passage and transportation.

or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *Provided*, that they shall not charge more than at the rate of five cents per mile for carrying each passenger, nor more than ten cents per ton per mile for the transportation of every species of property on said road in the carriages of the said company, or three cents per mile per ton for property, or three cents per mile for each passenger carried on said road in the carriages of others, and three cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any rail road carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *Provided always*, that the said carriages so used thereon shall be of the same description in the formation of the wheels and length of axle as those used by the company, and shall be regulated as to the times of starting and rates of travelling by the company, in the same manner as the carriages of the company are; and the said rail road and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of the charter; *Provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case, this charter shall be annulled, and the title to the lands over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid.

Lands to revert to owners in certain cases.

Semi annual dividends to be made.

Sec. 11. *And be it enacted*, That the president and directors shall within one year after the said rail road shall have been completed declare and make such dividend of the net profits thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

What real estate may be held.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate, at or near the commencement and termination of the said road, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Sec. 13. *And be it enacted,* That if any person or persons shall wilfully or maliciously injure the said rail road or any buildings, machinery or works of the said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Penalty for injuring or obstructing the road.

Sec. 14. *And be it enacted,* That as soon as the said rail road, with its appendages, shall be finished, so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state, of the proceeds of said road, and when after the net proceeds of said road shall amount to six per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually on the first Monday in January in each year; *Provided,* that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

Cost of road to be filed with Secretary of State.

Tax to be paid.

Sec. 15. *And be it enacted,* That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of the same and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report, as aforesaid, or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the said three persons so appointed by him shall proceed to make such appraisement, which shall be binding upon the said company, or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh man, then upon two weeks notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, and thereupon the state shall have the privilege for two years of taking said road upon the payment to the company of the amount of said appraisement within one year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property and interest of said road and the appendages thereof shall be vested in the

When state may take the road.

state of New Jersey upon the payment to the said company of the amount so reported; *Provided* that the said valuation shall in no case exceed the first cost of said road with the appendages thereof.

Limitation

Sec. 16. *And be it enacted*, That if the said rail road shall not be completed and in use within five years from the fourth day of July next ensuing, that then, and in that case, this act shall be void.

Public act

Sec. 17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

**Restrictions
on the use of
capital.**

Sec. 18. *And be it enacted*, That no part of the capital stock or monies of the company shall be used for banking or other purposes not plainly indicated in this act, under penalty of forfeiting this charter; and that it may be lawful for the legislature at any time hereafter to alter, modify or amend the same, whenever the public good shall require it.

Passed, February 23, 1836.

AN ACT to empower Hugh H. Abernethy; Guardian of Louisa Maxwell, and Enoch Green, to sell certain real estate.

Preamble.

WHEREAS Louisa Maxwell, a minor, under the age of twenty-one years, one of the children of John S. Maxwell, late of the township of Greenwich, in the county of Warren, and state of New Jersey, deceased, is seized in fee simple of a certain tract of land of eighty-one acres and twenty-two hundredths of an acre, and of a certain wood lot of twenty acres, all in the said township of Greenwich; *And whereas* it is represented that the rents, issues and profits of the said lands are insufficient to keep the same in suitable repair, and make suitable improvements as they require; *And whereas* it is represented that the said lands are suitably situated to cut up into lots, and that it would

be greatly to the interest of the said Louisa Maxwell, the minor, to sell and convey the said lands in fee simple; but that the same cannot be done without the aid of a special law for that purpose; *And whereas* the other heirs at law of the said John S. Maxwell, deceased, have, by their petitions, asked for a law to empower the said Hugh H. Abernethy and Enoch Green, to sell the same; and that an advantageous sale thereof can be made, if power therefor be given—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Hugh H. Abernethy and Enoch Green be, and they are hereby authorized and empowered to grant, bargain, sell at public auction, and convey the said lands, tenements, hereditaments and real estate aforesaid, of the said Louisa Maxwell, in fee simple, and execute a deed or deeds thereof and therefor, which shall be as good and effectual to grant, sell, convey and assure the said lands, tenements, hereditaments, real estate, and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds was or were made by the said Louisa Maxwell, the ward herself, after she had attained her full age of twenty-one years.

Guardians authorized to sell lands.

Sec. 2. *And be it enacted,* That the said trustees, before they enter on the duties assigned them by this act, shall enter into bond to the governor of this state, his successor and assigns, with two good securities, being freeholders, resident in the said county of Warren, to be approved by the orphans' court of the said county, conditioned for the faithful performance of the duties imposed by this act, which bond shall be filed in the surrogate's office of the said county, for the benefit of all persons who may be interested in the said lands; *Provided always* that the proceeds of such sales and every part thereof shall be deemed and taken as real estate, and descend to the heir or heirs as such.

To give bond.

Proceeds to descend as real estate.

Passed, February 23, 1836.

AN ACT to confirm a certain contract made by William Tinsman, deceased.

Preamble.

WHEREAS it is represented that William Tinsman, of the county of Warren, and Mary his wife, did, in the month of August, in the year of our Lord one thousand eight hundred and thirty-three, by verbal contract, bargain and sell all the undivided share of the said Mary, in the real estate which descended to said William Tinsman, and Mary his wife, in right of said Mary, from her father John Fine, situate in the township of Alexandria, in the county of Hunterdon, to Andrew M. Fine, of the township of Alexandria, aforesaid, and his heirs, for the sum of eight hundred and forty dollars; and in accordance with said sale, possession of said premises was given to said Andrew M. Fine, and the interest of said purchase money paid by said Andrew M. Fine to the said William Tinsman and Mary his wife; *And whereas* said Mary hath since died, without having joined in the execution of a conveyance of said land, agreeably to said contract, leaving eight children, lawful heirs, to wit: John F., William, Sarah, Catharine, Margaret, Elizabeth, Mary, and Emily, all in their minority, except John F., William, and Sarah—Therefore,

William Tinsman authorized to execute deed of conveyance.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said William Tinsman be, and he is hereby authorized to execute a deed of conveyance of said land, to said Andrew M. Fine, according to the stipulations of said contract.

To give bond.

Sec. 2. *And be it enacted,* That before the execution of said conveyance, the said William Tinsman shall enter into bond, with sufficient security, to be approved by the orphans' court of the county of Warren, and to be filed in the office of the surrogate of said county, in the sum of two thousand dollars, conditioned for the distribution of said purchase money among the children aforesaid, share and share alike, to wit: to pay to said John F., William, and Sarah, their distributive shares, and to secure the shares of said minors, on bond and mortgage, to be approved by said court, and to be paid to them as they respectively arrive at the age of twenty-one years.

Act shall not affect distribution of purchase money.

Sec. 3. *And be it enacted;* That nothing in this act contained, shall in any wise affect the distribution of said purchase money, in the case of the death of any of said heirs, but

the same in such case shall descend and be distributed as if this act had not been passed.

Passed, February 23, 1836.

**AN ACT to authorize Peter V. Pool and John A. Pool,
trustees, to sell certain real estate.**

WHEREAS it appears that John Pool, deceased, by his last will and testament, did, among other things, devise to Mary Pool his wife, and his two sons, Peter V. Pool and John A. Pool, "as trustees for his daughter Mary, the wife of Rutsen Hardenbergh, during her life and his life, and to and for the use of their children, their heirs and assigns forever, certain real estate;" *And whereas* Rutsen Hardenbergh hath departed this life, leaving the said Mary, his widow, and two children, minors, and the said Mary Pool, one of the trustees above named, hath also departed this life; *And whereas* the said real estate consists of a dwelling house and store houses, and now requires considerable repairs, and that the proceeds thereof are insufficient to effect the same—Therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State; and it is hereby enacted by the authority of the same,* That Peter V. Pool and John A. Pool, trustees of Mary Hardenbergh, or the survivor of them, are hereby invested with full power and authority to sell at public sale, for the best price they can obtain, giving four weeks notice by advertising the same in five of the most public places in the neighbourhood where the said real estate lies, and also causing the same to be published in one or more of the newspapers printed in the city of New Brunswick for the like space of time, all the real estate which was devised by John Pool, deceased, to the said Mary Pool, deceased, Peter V. Pool and John A. Pool, as trustees for Mary Hardenbergh, during her life, and the life of Rutsen Hardenbergh, and to and for the use of their children, their heirs and assigns for-

Trustees authorized to sell real estate of J. Pool dec.

ever, and upon such sale to make and execute good and sufficient conveyances for the same to the purchaser or purchasers thereof.

Investment of
proceeds of
sale.

Sec. 2. *And be it enacted*, That the said trustees, or the survivor of them, are hereby invested with full power and authority to invest the proceeds of such sale or sales, as aforesaid, in either real estate, or on bond and mortgage, and shall hold the same as they now hold the said real estate, hereby authorized to be sold, under and by virtue of the said last will and testament.

Bond to be given to the governor.

Sec. 3. *And be it enacted*, That the said trustees, before they enter upon the duties prescribed by this act, shall execute a bond to the governor of this state, his successors and assigns, with sufficient security, to be approved by the orphans' court of the county of Somerset, conditioned for the faithful performance of the trusts created by this act, which bond shall be filed in the surrogate's office of the said county of Somerset, for the benefit of all persons concerned; *And provided also*, that the sale of the said property shall not alter the descent of the real estate.

Passed, February 23, 1836.

~~RECEIVED~~

AN ACT to divorce Julia Ann Scudder from her husband John Scudder.

To divorce Julia Ann Scudder from her husband.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between Julia Ann Scudder, formerly Julia Ann Crane, and her husband, John Scudder, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of such marriage shall not be deemed illegitimate in consequence of the passage of this act.

Passed, February 24, 1836.

AN ACT to incorporate the Morris County Bank.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Henry A. Ford, Dayton I. Canfield, George H. Ludlow, Joseph Jackson, Richard S. Wood, James Wood, Henry Hillard, Jephtha B. Munn, Silas Condit, Timothy S. Johnes, Jonathan C. Bonnell, George Vail and William Brittin, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Morris County Bank," and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and being answered unto, defend and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal, and may change, alter and renew the same at pleasure; and by the same name shall be, and are hereby made capable in law of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; *provided*, that the said corporation shall in no case be owner of any ships or vessels, or directly deal or trade in any thing except bills of exchange, promissory notes, gold and silver bullion, stock of the United States, and such ships and vessels, goods, wares and merchandize, as shall be truly pledged to them by way of security for debts due, owing, or growing due to said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its land; *Provided also*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it, by way of security for loans for contracts made, or conveyed to it, in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgments, for the purpose of bona fide securing any debt, or debts due to the said corporation.

Style of incorporation.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation, shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred thousand dollars, at any time during the continuance of this charter; and that the said company shall have liberty to commence business as soon as four instalments of five dollars each, or fifty thousand dollars, shall have been paid in; and that the subscription to the said capital stock

Amount of capital

be received by Henry A. Ford, Joseph Jackson, Dayton I. Carfield, James Wood, and Jephtha B. Munn; which said commissioners or a majority of them, shall open books of subscription at Morristown; and the said books shall be kept open for the space of five days, giving twenty days previous notice in the newspapers published at Morristown, and upon closing of the said books of subscription or within five days thereafter, the said commissioner shall pay over to the directors hereinafter appointed, the whole amount of money which they or any of them may have received upon the said subscriptions.

Time and
mode of annu-
al election of
directors.

Sec. 3. *And be it enacted,* That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be stockholders and citizens of the United States, and of this state; which directors shall hold their offices for one year, and shall be elected on the first Tuesday of June in every year, after the first Tuesday of June in eighteen hundred and thirty-seven, in the banking house at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers printed in the town of Morris; for the well ordering of which election the directors shall previously thereto appoint three stockholders not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine, whether the persons voted for are qualified to be elected directors, and after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock not exceeding ten, and one vote for every five over and above that number, which he, she, or they, shall have held, in his, her, or their names, at least three months before the time of voting, and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office, and if it shall so happen at any election, that two or more persons shall have an equal number of votes, then the said directors in office, at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes, to determine which of the persons so having an equal number, shall be a director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed in like manner, to elect by ballot, one of their number, a president, who shall be an inhabitant of the county of Morris; and whenever a vacancy or vacancies shall happen among the directors, by death,

President to be
chosen.

resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint, and that Henry A. Ford, Dayton I. Canfield, George H. Ludlow, Joseph Jackson, Richard S. Wood, James Wood, Henry Hillard, Jephtha B. Munn, Silas Condit, Timothy S. Johnes, Jonathan C. Bonnell, George Vail, and William Britin, shall be directors, and shall hold their offices respectively, until the first Tuesday in June, in the year of our Lord, one thousand eight hundred and thirty-seven, and until others shall be chosen by the stockholders: *Provided*, that all persons voting by proxy shall enclose their ballot or ticket, containing the names of the persons intended by them to be voted for as directors, and sign their names thereto, and seal up and send the same directed to the president of the bank for the time being; who shall deliver the same to the stockholders appointed to be judges of elections, who shall open the same, and declare the number of votes each director shall so have obtained.

First directors.

Provided,

Sec. 4. *And be it enacted*, That seven directors, shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation: *Provided*, that no discount shall be made, on any note or notes, bill or bills, without at least one good endorser.

Quorum.

Sec. 5. *And be it enacted*, That the directors, for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the government of said corporation, the management and disposition of the stock, business and effects thereof: the time, manner, and terms at, and upon which, discounts and deposits shall be made and received by the said corporation; *and provided further*, that the cashier of the said bank shall be annually appointed; and that upon the appointment or re-appointment of said cashier, he shall take an oath or affirmation, faithfully to perform the duties of his office; and shall give bond with good and sufficient security, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall have power to appoint as many officers, clerks, and servants for carrying on said business, and with salaries or allowances as to them shall seem meet; *provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States or of this state.

Powers and duties of directors.

Stock forfeited
on failure to
pay instal-
ments.

Sec. 6. And be it enacted, That the said corporation shall not issue bills of a less denomination than are issued by other incorporated banks of this state, and that the stock of said corporation shall be considered as personal property, and that the said stock or dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to; and the real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing to the capital stock of said bank, shall pay at the time of subscribing, to the commissioners receiving subscriptions, the sum of five dollars in specie or notes of the bank of the United States, or the banks of this state, or the banks of the city of New York, which pay their notes in specie, on demand upon every share so by him subscribed; and the directors of said company may require payment of the remaining instalments which shall have been subscribed at such times, and in such proportions, as they, or a majority of them shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least twenty days in the newspapers printed in Morristown: *Provided*, that the instalments to be paid, shall not exceed five dollars on a share, at any one time, and be not less than thirty days apart.

Stock a lien.

Sec. 7. And be it enacted, That no transfer of stock of the said corporation, shall be valid and effectual, until any debt or debts which may be due to said company from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall, at any time, owe, over and above the actual deposits in said bank, shall not exceed twice the sum of the capital stock subscribed, and actually paid into the said bank.

Bills under
seal assigna-
ble by endorse-
ment

Sec. 8. And be it enacted, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable, by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees successively, and so as to enable such assignee to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or bearer, though not under the seal of the said corporation, shall be binding and obligatory on the same, and with like power and effect as upon any private person or per-

sons, if sued by him or them in their private and natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation: *Provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Proviso.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual dividends of so much of the profits of said bank, as to them, or a majority of them, shall seem advisable, but they shall make no dividend of any part of the capital stock.

Dividends to be made.

Sec. 10. *And be it enacted*, That the rate of discount, at which loans may be made by the said corporation, shall not exceed the legal rate of interest of this state, for the time being: *Provided*, that nothing herein contained, shall be construed to prohibit the company from dealing in bills of exchange, and the purchase and sale thereof.

Rate of discount.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the Legislature of this state, a statement of its capital stock paid in, and of its notes, debts and specie on hand.

Statement.

Sec. 12. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company shall neglect on demand being made at their banking-house, during the regular hours of doing business, to redeem in specie or lawful money of the United States, their said bills, notes, or other evidences of debt issued by the said corporation, the said president, directors and company shall forfeit their charter forever, and wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid as aforesaid, or otherwise satisfied.

Charter forfeited on refusal to pay specie for notes.

Sec. 13. *And be it enacted*, That the president and directors of said corporation shall, individually and jointly, and severally, be, and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate; and upon demand of payment

President and directors responsible.

being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the said persons, then acting as president and directors of said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally, for money had received, with a specification of the dates, sums, payees and numbers of the said bills or notes so demanded, and payment whereof has been neglected or refused, and upon judgment being rendered, execution shall issue thereon.

When notes
may be issued.

Sec. 14. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills, until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to the provisions of this act.

Limitation

Act may be
altered or re-
pealed.

Sec. 15. *And be it enacted*, That this act shall be and continue in force until the first day of January, one thousand eight hundred and fifty-seven, and no longer; *And further*, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify or repeal this act, whenever, in their opinion, the public good requires it.

Passed, February 24, 1836.

AN ACT to incorporate the Monmouth and Middlesex Agricultural Rail Road and Transportation Company.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joseph F. Randolph, Thomas G. Haight, John J. Conover, Peter Vredenbrough, junior, Isaac K. Lippincott, John M. Perrine, John H. Smock, George C. Herres, Abraham Cruser, Joseph McChesney, Simon Arrowsmith, William Little, Garret Hiers, Garret P. Conover, James Cook, Rescarrick M. Smith, Charles G. McChesney, and such other persons as may hereafter be associated for the purpose, shall be and hereby are made, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The

Monmouth and Middlesex Agricultural Rail Road and Transportation Company," and by that name they, their successors and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Style of incorporation.

Sec. 2. And be it enacted, That the capital stock of said company shall be two hundred and fifty thousand dollars, with liberty to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferrable in such manner as the corporation shall by their by-laws direct; *Provided always*, that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects contemplated in this act.

Amount of capital stock

Sec. 3. And be it enacted, That the above named persons, or a majority of them, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation; the said books shall be opened by the said commissioners, or a majority of them, four days in succession, the first day at Middletown Point, the next day at Freehold, and the third day at Freehold, and the fourth day at Princeton, and twenty days notice shall be given by the said commissioners or a majority of them of such times and places in two newspapers printed in Freehold, and one printed in Princeton; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the said commissioners or a majority of them to make a fair and just apportionment of the stock among the subscribers, giving a preference to the citizens of New Jersey, and if less than seventeen hundred shares shall be taken, the said commissioners or a majority of them may open said books for receiving subscriptions at such times and place or places as they or a majority of them may think proper, until seventeen hundred shares or more shall have been subscribed; and at the time of subscribing for said stock, five per centum shall be paid upon each share subscribed for to the commissioners or some one of them; *Provided*, that if the said commissioners shall fail to meet at the times and places as aforesaid, this corporation shall not for that cause be dissolved.

Books of subscription for stock to be opened.

Provided.

Sec. 4. And be it enacted, That after seventeen hundred or more shares of the said capital stock shall be subscribed, the said commissioners or a majority of them shall give a like notice

First election
of directors.

as above, for a meeting of stockholders to choose nine directors, which election shall be made at the time and place appointed by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share entitling the holder thereof to one vote, and the said commissioners or a majority of them shall be inspectors of the said election, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors, and such moneys paid to them for subscriptions to said capital stock as shall remain in their hands after defraying the expenses of subscription and incidental expenses; and the directors or a majority of them chosen at such meeting, or at the annual elections, shall, as soon as may be after every election, choose, out of their own number, a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them, and in case of the absence of the president, they, or a majority of them may appoint a president pro tempore.

Time and
mode of elect-
ing directors.

Sec. 5. And be it enacted, That an annual election for directors shall be held at such time and place in the counties of Monmouth or Middlesex, as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in two newspapers, one published in the county of Monmouth and the other in the county of Middlesex, or borough of Princeton, at which the stockholders shall vote in the same manner as at the first election; *provided always,* that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time upon giving the proper notice, and the directors for the time being shall continue in office until new ones shall be chosen in their places.

Stock forfeited
on failure to
pay instal-
ments.

Sec. 6. And be it enacted, That five directors of said corporation shall be a quorum competent to transact all business of said corporation, with power to call in the capital stock of the same at such times and by such instalments as they may think proper, not exceeding five dollars on each share at any one time and not less than thirty days apart; and in case of the non-payment of any such instalments, to forfeit the share or shares upon which said default shall arise; and to make such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation; and also, to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several du-

ties and trusts, and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

Sec. 7. *And be it enacted,* That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a rail road or lateral roads from the Delaware and Raritan Canal at or near Scudder's Mills, in the county of Middlesex, to the Middletown Point Creek, at the village of Middletown Point, in the county of Monmouth, passing through the village of Freehold in said county of Monmouth, with a branch not exceeding two miles in length to such marl beds as they may deem proper: *And also*, with a branch from the village of Freehold, aforesaid, to any such marl bed on Manasquan river, as the said company elect; *Provided*, that the said company shall not hold any marl beds on but one side of said river, and the said company may extend branches of said road, not exceeding half a mile in length, as they may deem proper; *Provided also*, that no land necessary for such branches of half a mile in length shall be taken without the consent of the owner or owners first had and obtained; not to exceed eighty feet wide, with as many sets of tracks and rails, as the said president and directors may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendants, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling, and laying out the route or routes of such rail road or rail roads and of locating the same, and to do and erect all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property;) and when the route or routes of such rail road or rail roads, or any part or parts thereof shall have been determined upon and a survey of such route or routes or any part or parts thereof deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendants, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, and may take and use any stone, gravel, sand, or other earth, on or near the said route or routes, which may be required for the construction of, repairing, altering, or extending the said road or roads, or of any of the works or appendages, subject to such compensation as is hereinafter provided; *Provided always*, that the payment or tender of the pay-

Location of
rail road.

Purposes for
which compa-
ny may enter
on lands, &c.

Survey of
route to be
filed in Secre-
tary's office.

ment of all damages for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company or any other person under their direction or employ shall enter upon or break ground in the premises except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands if known and in this state, be first had and obtained.

Sec. 8. *And be it enacted*, That if the owner or owners of the land on which the said rail roads shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the Inferior Court of Common Pleas, of the county in which the said lands may be, who is disinterested in the premises upon the application of either party, and after giving ten days notice in writing to the opposite party, if known, and in this state, of such application and after hearing the parties, to appoint three disinterested commissioners residents of said county, to assess the price or value of said land or materials, and also the damages arising from the removing, making and maintaining the fences on the line of the said road, who shall be sworn or affirmed before the said judge, faithfully to execute the duties of such appointment, and after like notice to both parties, of the time and place, shall meet, view the premises and hear the parties and evidence, if desired, and thereupon make such decision, and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land and the quantity taken, by whom owned and how situate, bounded and described, and also the amount of assessment for making and maintaining the fencing, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said lands may be, there to be kept as a public record, and copies taken by either party if required, and if either party shall feel aggrieved by the decision of said commissioners, the party so aggrieved may appeal to the Inferior Court of Common Pleas of the county in which said lands may be, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice in writing, to the opposite party, of such appeal, which proceeding shall vest in the said court, full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same, and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judg-

Proceedings
when compa-
ny and own-
ers of land
cannot agree.

ment shall be given with costs, against the said company and execution issue if need be, but if said jury shall be demanded by the owner or owners and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct, and upon payment, or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple, of all such lands and real estate appraised as aforesaid: *Provided always*, that in case the said company after the same is completed, shall abandon the said road or cease to keep the same in repair at any time for three successive years, that then and in that case, this charter shall be annulled as to such parts of said road so abandoned, not kept in repair, and the title to the lands over which the part of said road so forfeited shall pass, shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid.

Sec. 9. *And be it enacted*, That in case any owner or owners of such land or real estate, shall be feme covert, under age, non compos mentis, out of this state or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of said corporation to pay the amount of any award or report so made in behalf of any such person, into the Court of Chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this, as the preceding section of this act, shall be at the proper costs and charges of the said corporation.

In certain cases company to pay the value of lands into court of chancery.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said rail road or roads where any public or other road shall cross the same, so that the passage of carriages, horses and cattle, on the said road shall not be impeded thereby; and also where the said rail road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon-ways over, or under, said road, so that he may easily pass the same.

Other roads not to be obstructed.

Sec. 11. *And be it enacted*, That the president and directors of said company, shall have power to construct or purchase and place upon their said road or roads, all machines, engines, wagons, carriages or vehicles, for the transportation of passengers or any species of property thereon as they may think proper, and to charge for the passage or transportation of any vehicles, engines, passengers or property on their said road or roads as they may think proper; *provided*, they shall not charge

Rates for passage and transportation.

for the transportation of property on said road or roads in their own carriages or the carriages of others, more than the following rates, viz.: for marl, lime, or ashes, for any distance not exceeding ten miles, eight cents per mile per ton, for any greater distance not exceeding six cents per mile per ton, or more than ten cents per ton per mile, or three cents per barrel, or one cent per bushel per mile, for produce or other articles, or more than six cents per mile for carrying each passenger on said road or roads; and that the said rail road or roads and their appendages and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act.

Dividends to be made semi-annually.

Sec. 12. And be it enacted, That the president and directors shall, within one year after the said road or roads shall have been completed, declare and make such dividend as they may deem prudent and proper, of the nett profits thereof, and shall in like manner semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for injuring road or works.

Sec. 13. And be it enacted, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any rail road or roads constructed under the provisions of this act, by the said company, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending, shall forfeit and pay to the said company, the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and further, shall be liable for all damages.

What real estate may be held by company.

Sec. 14. And be it enacted, That the said company may have and hold real estate along the line of said road or roads not exceeding two acres at any one place; and also, that said company may have and hold by lease or purchase, such and so many marl beds, marl banks, marl and real estate as may be necessary and convenient to enable the said company to obtain, dig, and transport any such quantity of marl as they may deem proper; and may erect and build on any of their real estate, houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Rail road a public highway.

Sec. 15. And be it enacted, That the road or roads authorized by this act be, and the same are hereby declared a public

highway, and free for the passage of any rail road carriage thereon with passengers or property, upon payment of the tolls prescribed by this act: *Provided always*, that the said carriages *Provided* so used thereon, shall be of the same description in the formation of the wheels and length of axle, as those used by the company, and be so regulated as to the time of starting and rates of travelling, as not to interfere with the carriages of the company, and subject as to the amount of tonnage to the rules and regulations of the company.

Sec. 16. *And be it enacted*, That as soon as the rail road and roads with its and their appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road or roads, including all expenses in the office of the Secretary of State, and annually thereafter, the president and treasurer of said company, shall, under oath or affirmation, make a statement to the Legislature of this state, of the proceeds of said road, and as soon as the nett proceeds of the said rail road or roads shall amount to six per centum upon its costs, the said corporation shall pay to the treasurer of this state, a tax *Cost of road to be filed with Secretary of State.* of one half of one per cent. on the costs of said road or roads, to be paid annually thereafter on the first Monday in January of each year, as long as the said nett proceeds shall amount to said six per centum: *Provided*, that no other tax or impost shall be levied or assessed upon the said company for the use of the state. *May be taxed.*

Sec. 17. *And be it enacted*, That after the expiration of fifty years from the completion of the said road, the Legislature of this state may take the same for the state, paying therefor the original costs of the same. *When state may take the road.*

Sec. 18. *And be it enacted*, That if the said rail road shall not be completed and in use at the expiration of ten years from the fourth day of July next ensuing, that then and in that case, this act shall be void as to such part and parts of said road as shall not then be completed and in use. *Limitation*

Sec. 19. *And be it enacted*, That the Legislature of this state may, at any time hereafter, alter, amend, or modify this act, whenever in their opinion, the public good requires it. *Act may be altered or repealed.*

Sec. 20. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever. *Public act.*

Passed, February 25, 1836.

AN ACT to authorize a Trustee to convey certain real estate, in the township and county of Bergen, of which Daniel Dedrix died seized.

WHEREAS Daniel Dedrix, late of the township of Bergen, in the county of Bergen, and state of New Jersey, died seized and possessed of certain lands, situated in said township of Bergen, leaving a last will and testament, by which will he gave and devised to his daughter Jane, and after her death to her heirs, a part of his real estate; *And whereas* the said Jane having married with one Stephen Simonson, by which marriage they had the following children, viz. Abraham Simonson, Jacob Simonson, Isaac Simonson, Daniel Simonson, Effy Simonson, who married with one George H. Slingerland, Elizabeth Simonson, who married with one Garret J. Van Riper, deceased, and Ann Simonson, who married with one Samuel Smith, both deceased, leaving the following children and heirs at law, viz. Elizabeth Smith, now the wife of John Van Waggoner, aged twenty years, David Smith, aged eighteen years, and Charles Smith, aged seventeen years, who are infants; *And whereas* all the aforesaid parties in interest have sold and conveyed seven acres of said lands to one John M. Cornelison, of the said township and county of Bergen, for the sum of two thousand three hundred dollars, and have made and executed to him a deed for the same of all their right and interest to said land, except the said infant heirs, who have agreed with the said John M. Cornelison, that he might hold in his hands for their use, the amount due them, out of the said sum of two thousand three hundred dollars, which they are entitled to receive from the aforesaid money, by reason of the rights of their mother, Ann Simonson, late Ann Smith, deceased, until they should make him a deed, or cause one to be made to him, for their right and interest in the same; *And whereas* all the parties except the said infants are paid and satisfied, and the said infants being desirous that their proportion should be applied to their use and benefit, have petitioned the legislature that a trustee might be appointed, authorizing him to convey the said lot of land, according to their agreement with the said John M. Cornelison, and to receive the money due them, and to apply the same for their benefit; *And whereas* it appears that the property heretofore, was of but little value, and entirely unproductive, and a sale having been made, upon advantageous terms to them, and the prayer of the memorialist appearing to be reasonable and proper—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Cornelius Van Riper be and is hereby appointed a trustee, with full power and authority to make and execute a good and sufficient deed of conveyance to John M. Cornelison, his heirs and assigns, of all right, title, and interest, that the said infants may have in and to the said seven acres of land, situate in the said township of Bergen, in the county of Bergen, and which was devised and bequeathed by the said David Dedrix to his daughter Jane, and after her death to her heirs, and in said will is called the "Cedars;" and to receive and pay over the moneys belonging to the petitioners, according to their legal and respective rights and interests therein.

Trustees authorised to convey certain lands

Sec. 2. *And be it enacted,* That the said trustee shall, before he enters into the trust reposed in him by virtue of this act, enter into bond to the governor of this state, with such securities and in such amount as shall be approved of by the orphans' court of the county of Bergen, conditioned for the faithful performance of the duties required of him by this act, which shall be deposited in the office of the said surrogate.

Bond to be given to the governor.

Sec. 3. *And be it enacted,* That the said trustee shall, within six months after the sale of the said lands is completed, make and exhibit, under oath or affirmation, to the orphans' court, of the county of Bergen, a true statement of his proceedings, and to be by the surrogate recorded and filed in his office; and that the said trustee shall be accountable for all moneys received by him by virtue of this act, deducting his reasonable expenses, and a reasonable compensation for his services, to be allowed by the said orphans' court, and shall account for the same to the said orphans' court accordingly.

Trustee to account to orphans' court.

Passed, February 24, 1836.

AN ACT to authorize Trustees to sell certain real estate in the township and county of Bergen, late the property of Walter Clendenny.

Preamble.

WHEREAS Walter Clendenny, late of the township and county of Bergen and state of New Jersey, died seized and possessed of certain lands, situate in the township and county of Bergen, and state of New Jersey, in fee simple, having first duly made and published, in writing, his last will and testament, bearing date the fourteenth day of April, A. D. one thousand eight hundred and twenty-two, whereby the said Walter Clendenny did give and devise all the farm and improvements thereon where he then lived, containing about one hundred acres, to his daughter, Nelly, the wife of Hartman Brinkerhoff, now deceased, to her use, for and during and until her youngest child should arrive at the age of twenty-one years; and when the youngest child of the said Nelly should arrive at the age of twenty-one years, the said land should be divided equally between the heirs of the said Nelly, late the wife of Hartman Brinkerhoff, deceased, and the heirs of his daughter, Jane, late the wife of Peter Garrabrants, deceased; *And whereas* the said Nelly Brinkerhoff and Hartman Brinkerhoff are both deceased, leaving Henry Brinkerhoff, Cornelius Brinkerhoff, John Brinkerhoff, and Leah Ann Brinkerhoff, children and surviving heirs at law; and the said Jane Garrabrants and Peter Garrabrants are also both deceased, leaving Cornelius P. Garrabrants, and Eleanor Garrabrants, now the wife of Nicholas Prior, children and surviving heirs at law; *And whereas*, all the heirs of the said Nelly and Jane are above the age of twenty-one years, except the said Leah Ann Brinkerhoff, who is a minor, and the youngest child of the said Nelly Brinkerhoff; *And whereas* a division of the said lands cannot be made before the said Leah Ann Brinkerhoff shall have arrived to the age of twenty-one years, among the said heirs, and they having petitioned the legislature that trustees might be appointed to sell the same for their benefit, and the prayer of the memorialist appearing to be reasonable and proper—Therefore,

Trustees authorized to sell lands

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John M. Cornelison and Cornelius Van Winkle, in the township of Bergen, and county aforesaid, be and they are hereby appointed trustees, with full power and

authority to sell and dispose of the said lot, piece, or parcel of land, and premises, situate in the township and county of Bergen, bounded south easterly by the highway leading to Bergen Point, south westerly by lands of John Zabriskie and others, north westerly by the Hackensack river, and northerly and north easterly by meadow and upland of John Outwater and John Duryea; containing about one hundred acres, belonging to the heirs at law of the said Nelly Brinkerhoff and Jane Garrabrants, deceased, which were devised to the said heirs, by Walter Clendenny, deceased, or any part thereof, at public sale, giving thirty days notice of the time and place of such sale, for the best price or prices that can be procured for the same, and to make out and execute good and sufficient conveyances and assurances in the law, to the purchaser or purchasers; and they are hereby directed to account for and pay over the moneys arising from such sale or sales to the petitioners, according to their legal and respective rights and interests therein.

Sec. 2. *And be it enacted*, That before the said John M. Cornelison and Cornelius Van Winkle, trustees as aforesaid, shall enter into the trust reposed in them by virtue of this act, they shall enter into bond to the governor of this state, with such security and in such amount as shall be approved of by the orphans' court of the county of Bergen, conditioned for the faithful performance of the duties required of them by this act, which bond shall be deposited in the office of the surrogate of said county.

Bond to be given.

Sec. 3. *And be it enacted*, That the said trustees, or the survivor of them, shall, within six months after the sale of the said lands is completed, make and exhibit, under oath, to the surrogate of the county of Bergen, a true statement of the amount of said sale or sales, to be by him recorded and filed in his office, and that the said trustees shall be accountable for all moneys received by them by virtue of this act, deducting their reasonable and necessary expenses, and a reasonable compensation for their services to be allowed by the said orphans' court of the county of Bergen, and shall account for the same to the said orphans' court accordingly.

Trustees to account to orphans court.

Passed, February 24, 1836.

**AN ACT to divorce Elizabeth Wyckoff from her husband
John Wyckoff.**

John and Eli-
zabeth Wy-
koff divorced

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Elizabeth Wyckoff, of the county of Warren, be, and she is hereby divorced from her husband, John Wyckoff: and the marriage contract heretofore existing between them, the said Elizabeth Wyckoff and John Wyckoff, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed, February 24, 1836.

**AN ACT to divorce Ann Frost from her husband Frank-
lin B. Frost.**

Franklin B.
and Ann Frost
divorced

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between Ann Frost and her husband Franklin B. Frost be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of such marriage shall not be deemed illegitimate in consequence of this act.

Passed, February 24, 1836.

A SUPPLEMENT to the Act entitled "An Act to erect and establish a Banking and Insurance Company, in the town of Newark and county of Essex," passed the seventeenth day of February, eighteen hundred and four, and to extend the charter thereof.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of of the same,* That the act entitled "An act to erect and establish a banking and insurance company in the town of Newark and county of Essex," passed the seventeenth day of February, in the year of our Lord, one thousand eight hundred and four, be, and the same is hereby extended and limited to the seventeenth day of February, which shall be in the year our Lord one thousand eight hundred and fifty-nine.

Charter extended

Sec. 2. *And be it enacted,* That it shall and may be lawful for the said company, from time to time, to increase their capital stock, by the addition of as many whole shares as shall be judged expedient by the said company, or a majority of them, voting in the manner prescribed in the said act which established the said company, at any general meeting of the company for that purpose, notified in the manner in the fourth section of the said act prescribed; *Provided,* that the whole number of additional shares shall not exceed six thousand; and the members of said company, for the time being, to the extent and amount of one-third of the said increased capital stock, are hereby declared to have the preference of all other persons, for the space of thirty days after the determination to increase their capital as aforesaid; and as it respects the remaining two-thirds of the said increased capital stock, books of subscription therefor shall be opened, and the same shall be taken, under the regulation and direction of the board of directors of said company; and the said two-thirds shall be subject to such reasonable and equitable allowance for any surplus profits that may exist in the said company, when such increase of capital stock may be determined on, as may be fixed and agreed by the said company at that time; and all proprietors of such additional shares shall, and are hereby declared to be thenceforward, incorporated into the said company, and entitled to the benefits and privileges of the original subscribers.

Capital increased.

Proviso.

Mode of distributing stock

Sec. 3. *And be it enacted,* That if at any time after the passing of this act, the said president, directors and company

Charter forfeited on refusal to pay specie for notes

shall neglect or refuse, on demand being made at their banking house, at any time during the regular hours of doing business, to redeem, in specie, any of the bills, notes, or other evidences of debt, issued by the said corporation, and which shall be due and payable, the said president, directors and company shall wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors and company shall resume the redemption of their said bills, notes, and other evidences of debts, in specie, or other lawful money of the United States, within thirty days after such demand shall have been made; and the said company shall be liable to pay to the holder or holders of such bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid, as aforesaid, or otherwise satisfied.

President and directors personally responsible.

Sec. 4. *And be it enacted*, That whenever any holder of any bill, note, or other evidence of debt, issued by the said bank, shall present the same to the bank for payment, and payment thereof shall be neglected or refused, during the regular business hours of said bank, on the day of such presentment, that then, and in that case, such holder of any such bill, promissory note, or other evidence of debt, may commence an action in any court of competent jurisdiction, in this state, against the president and directors of the said bank, or any or either of them, and recover, by the judgment of the court before whom such action shall be commenced, the full amount of such bill, promissory note, or other evidence of debt, with full costs of suit; upon which, execution shall immediately issue against the proper goods and chattels, lands and tenements of the said president and directors, or any or either of them, in the same manner as if the bill, promissory note, or other evidence of debt, had been given or issued by them, or either of them, in their individual capacity; *Provided*, that nothing in this section shall prevent any holder of any bill, promissory note, or other evidence of debt, from commencing an action against the said Newark Banking and Insurance Company.

Proviso.

Annual statement to the legislature.

Sec. 5. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to alter,

modify or amend this act, or the act to which this is a supplement, whenever, in their opinion, the public good requires it.

Act may be altered or modified.

Sec. 7. *And be it enacted*, That this supplement shall not go into operation until the said company shall signify their assent and acceptance of this supplement, in writing, to the governor of this state.

When act to go into operation.

Passed, February 24, 1836.

AN ACT to dissolve the marriage contract between John Williams and his wife Rachel.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract between John Williams, of the county of Morris, and Rachel, his wife, be, and the same is hereby dissolved, as fully, as if they had never been joined in matrimony.

John and Rachel Williams divorced

Passed, February 25, 1836.

A SUPPLEMENT to the Act entitled "An Act to incorporate the Farmers and Mechanics' Bank of Rahway," passed the seventh day of February, eighteen hundred and twenty-eight.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the capital stock of The Farmers and

Capital increased.

Mechanics' Bank of Rahway, in the county of Middlesex is hereby increased to the sum of two hundred thousand dollars; and the additional capital hereby created shall be divided into shares of fifty dollars each, in the same manner as provided in relation to the original capital in the act to which this is a supplement.

Mode of receiving subscription to new stock.

Distribution of stock

Sec. 2. *And be it enacted,* That it shall and may be lawful for the directors of the said bank to appoint three of their own number as commissioners to open books of subscription at their banking house for the said additional capital; and said books shall be kept open for three entire days during the regular hours of business; and due notice thereof shall be published in a newspaper printed in Rahway, for the space of twenty days previous to the opening the books of subscription as aforesaid, and five dollars on each share shall be paid at the time of subscribing therefor: provided that the stockholders of the original stock shall be entitled to a preference in subscribing to one-half of the said additional capital, and provided also that if more than the required amount shall be subscribed, the said commissioners shall distribute the one-half of the stock to and among the said original stockholders (if they shall subscribe for the one-half thereof) and the other half of the said additional stock shall be distributed among the subscribers not being stockholders, in proportion to their several subscriptions.

Value of new and old stock to be equalized

Sec. 3. *And be it enacted,* That the directors of the said bank shall equalize the value of the new stock to the old, by requiring payment on the new stock of the rateable proportion of the expenses of said bank in its organization and establishment, and an amount equal to the surplus profits on hand.

Stock forfeited on non payment of instalments

Sec. 4. *And be it enacted,* That the said directors may require payment on the said subscriptions, by instalments not exceeding five dollars on each share, at such times and manner as they, or a majority of them, shall deem proper, under the penalty of the forfeiture of all previous payments thereon, and that thirty days previous notice of the time and place of payment of each instalment shall be published in a newspaper printed in the town of Rahway.

Privilege of new stockholders

Sec. 5. *And be it enacted,* That all the proprietors and owners of the said additional stock under and by virtue of this act, shall be a part of the corporation created by the said act to which this is a supplement, and entitled to all the privileges and benefits of the original subscribers, and subject to all the provisions of the said act.

Passed, February 25, 1836.

AN ACT to authorize Isaac Collins and Susan R. Smith to sell a certain tenement and lot of land in the county of Burlington.

WHEREAS Richard M. Smith, late of the county of Burlington, having departed this life intestate, leaving Susan R. Smith, his widow, and Maria, Rachel and Dillwyn Smith, his children and heirs, him surviving, and Rowland Jones, Thomas Collins, and John J. Smith, junior, having duly administered upon the estate of said intestate, and made a final settlement thereof, before the orphans' court of the county of Burlington, at the term of May, A. D. eighteen hundred and twenty-seven, and thereupon the said Isaac Collins and Susan R. Smith were duly appointed guardians of the persons and estate of the said children, being minors; and the said Maria Smith having since intermarried with one Josiah R. Reeve; *And whereas* it hath been represented to the legislature that a part of the estate of the said intestate consists of a certain tenement and lot of land, containing ninety-eight hundredths of an acre, situate in the township of Nottingham, in said county, remote from the said petitioners, and disconnected with any other part of the estate of said intestate; that the same needs considerable repair, and that it would be more beneficial to sell the same than appropriate other funds towards its repair; and the parties interested therein having by petition prayed for legislative aid in the premises, and the same appearing to be reasonable—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Isaac Collins and Susan R. Smith, be, and they hereby are empowered to make sale of all and singular the said certain tenement and lot of land, with its appurtenances so as aforesaid, situate in the township of Nottingham, county of Burlington, containing ninety-eight hundredths of an acre, being part of the estate of Richard M. Smith, deceased, first giving notice thereof, as guardians are by law required to do, and to execute and deliver a good, legal and sufficient deed, in their names, to the purchaser thereof, which said deed shall convey to and vest in the purchaser of the said tenement and lot of land, with the appurtenances, all the right, title, interest and estate whereof the said intestate died seized.

Guardians authorized to sell lands.

Sec. 2. *And be it enacted,* That the said Isaac Collins and Susan R. Smith shall account for the net proceeds arising

To account to orphans' court. from the said sale, in the same manner as in case a sale thereof were made as guardians, under and by virtue of an order of the orphans' court; *Provided*, that this act shall not be construed to the prejudice of the just and lawful claims of other persons not named and embraced herein.

Passed, February 26, 1836.

AN ACT to incorporate the Totowa Manufacturing Company.

Style of incorporation. Powers of company.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Russel Stebbins, Obadiah Holmes, Abraham Godwin, John Clark, jun. Charles Danforth, and such other persons as may be hereafter associated with them, and their successors and assigns, be, and are hereby constituted a body politic and corporate, by the name of "The Totowa Manufacturing Company," for the purpose of manufacturing in the town of Paterson, in the county of Essex, cotton, iron, and brass castings, mill gearing, wool, flax, silk, and cotton machinery, and such iron, brass, and copper work, as appertains to rail roads, and by the same name they and their successors and assigns shall have power and continue a body politic and corporate, and capable in law, of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind and quality soever, necessary or useful for the said corporation to carry on their manufacturing operations, above mentioned, and all other real estate, which shall have been bona fide mortgaged to the said corporation, by way of security or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments, which shall have been obtained for such debts; *Provided always*, that the funds of

the said corporation, or any part thereof, shall not be applied, used, or employed, at any time in banking operations; or for any other purposes not clearly indicated in this bill; and the said Russel Stebbins, Obadiah Holmes, Abraham Godwin, John Clark, jun. and Charles Danforth, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Sec. 2. And be it enacted, That the stock, property and concerns of said company, shall be managed and conducted by five directors, being stockholders, and one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than twenty days previous, in one or more newspapers printed nearest the place where such election shall be held, by such of the stockholders as shall attend for that purpose either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of the said company; and the candidates having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen, may appoint such officers and superintendants, and assign such compensation as they may think fit, not less than a majority of the whole number of directors being present when the same shall be done; and may remove the same and appoint others at their pleasure: and if it shall at any time happen that a vacancy or vacancies occur, by death, resignation, or otherwise, among the directors, officers or superintendants, such vacancy or vacancies, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint.

Time and
mode of elect-
ing directors.

Duties of di-
rectors.

Sec. 3. And be it enacted, That the capital stock of the said company, shall not exceed two hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each; but as soon as the sum of thirty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said company to commence their said business, and with that capital, conduct and carry it on until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorized to do, from time to time, to the amount herein mentioned; and it shall be lawful for the directors of the said company, to call and demand from the said stockholders, respectively, all such sums of money by

Amount of
capital.

them subscribed, at such times and in such proportions, not exceeding five dollars on each share at any one time, as they shall deem proper, giving at least thirty days previous notice, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payments shall not be made within thirty days after such notice as aforesaid shall have been published in or near the place where such payments shall be required to be made, and also in one or more newspapers published in the city of New York.

Stock personal
estate.

Sec. 4. *And be it enacted*, That the stock and property of said corporation, of whatever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation: *Provided*, that no dividends shall be made to and among the stockholders, except from and out of the profits of the said corporation.

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 5. *And be it enacted*, That in case it should at any time happen, that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Powers and
duties of di-
rectors.

Sec. 6. *And be it enacted*, That a majority of directors for the time being, shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, and the disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, the same are not contrary to the laws and constitution of the United States or of this state.

Books open
to inspection
of stockhold-
ers.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all transactions of the said corporation; which books shall at all times during business hours be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys: and further, that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose.

How compa-
ny may be
dissolved.

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose, *provided* at least three fourths in value of the stockholders shall be present or represented therein, and vote in favor of such dissolution; and upon such dissolution, the directors for the time being, and the survivors and

survivor of them, shall be *ipso facto* trustees for settling all the affairs of the said corporation, and disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors and survivor of them, shall be trustees and trustee for the purpose aforesaid; and that stockholders owning one fourth of the stock holden, may, by giving notice in a newspaper published in Paterson, for a fortnight, and one newspaper published in the city of New York, a fortnight, call a public meeting of the stockholders for the purpose of passing by-laws, and ordinances for the election of directors; and that such by-laws and ordinances shall be binding until in like manner repealed or altered, in case a majority of the stock is represented at such meeting, either in person or by proxy.

Sec. 9. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years from the passing thereof, and from thence to the end of the next session of the Legislature and no longer; and further, that it shall and may be lawful for the Legislature of this state, at any time hereafter, to alter, modify or repeal this act, whenever the public good requires it.

Limitation of act

Act may be altered or repealed.

Passed, February 26, 1836.

A SUPPLEMENT to an Act entitled "An Act to incorporate the stockholders of the Bridges over the Rivers Passaic and Hackensack."

WHEREAS the construction of the bridge of the New-Jersey Rail Road and Transportation Company, over the Hackensack river, in the immediate vicinity of "the Proprietors of the Bridges over the Rivers Passaic and Hackensack," renders it necessary in order to preserve the navigation of said

Preamble:

river, with as little obstruction as possible, to construct the two bridges along side of each other, with a continuous draw, accommodated to both bridges, and an arrangement having been made between the two companies for that purpose—Now therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the proprietors of the bridges over the rivers Passaic and Hackensack, to construct a new bridge over the river Hackensack, along side of the present bridge over said river, built by the New-Jersey Rail Road and Transportation Company, according to the modern plan of constructing bridges over navigable waters, of a width of not less than twenty-five feet, with a draw in a continuous line with the draw of the present rail road bridge; *Provided*, the old bridge shall not be taken up, removed, or otherwise rendered impassable for carriages, horses, or foot passengers, at any time before the new, or contemplated, bridge is finished and fit for use; and that the said company shall, before the new or contemplated bridge shall be completed and fit for travelling, make and construct a good and permanent turnpike road from the present turnpike road to the abutments of the new or contemplated bridge; *Provided also*, that a pier be constructed on the north side of the rail road bridge, extending northwardly in a line with the westerly line of the draw of the said rail road bridge, until the said pier meets the low water mark on the westerly bank of the said Hackensack river; and from said point to be extended further northwardly, along said low water mark, so far that the whole distance of said pier be at least three hundred feet; and that it be the duty of said bridge companies, at all times, to keep the channel along said pier in such a condition as to enable vessels drawing eight feet water to float along side thereof at low water; and also to keep a man stationed at the aforesaid bridge, to aid and assist navigators in passing through the draws of the rail road bridge and the proposed new bridge; and likewise to construct the draw of the said proposed new bridge, on the westerly side thereof, in a line with the westerly side of the draw of the present rail road bridge, and on the easterly side to incline easterly, in the line of the present wing of the draw of the said rail road bridge; *And provided further*, that nothing in this act shall be so construed as to impair or diminish the liabilities of the New-Jersey Rail Road and Transportation Company, towards "The Proprietors of the Bridges over the rivers Passaic and Hackensack," as secured by the act incorporating the former company.

Bridge to be
constructed
over the
Hackensack.

Proviso.

Proviso.

Proviso.

Passed, February 29, 1836.

A SUPPLEMENT to an Act entitled "An Act to incorporate the Franklin Manufacturing Company, in the county of Sussex," passed the fourth day of March, A. D. eighteen hundred and twenty-eight.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That after the word *Sussex*, in the third line of the fourth section of the act to which this is a supplement, the words "*or elsewhere*" be inserted.

Passed, February 29, 1836.

AN ACT to incorporate the Neshanic Mining Company of the County of Hunterdon.

WHEREAS Hugh Capner, John Capner, James Capner, William H. Sloan, Samuel Hill, Joseph Case, and others, have, by their petition, set forth that there are a number of copper and other valuable ores and minerals in the county of Hunterdon, and other parts of the state of New Jersey, and that much expense and labor have been bestowed in examining their extent and value, and have requested the legislature to pass an act to incorporate the said Hugh Capner, John Capner, James Capner, William H. Sloan, Samuel Hill, Joseph Case, and their future associates, for the purpose of enabling them to work such ores and minerals, in such places as they now, or may hereafter hold in the said state, and to smelt and manufacture such ores as they may thus obtain—Therefore, Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Hugh Capner, and such persons as may hereafter be associated with him for the purposes aforesaid, shall be, and are hereby ordained, constituted and declared to be a body

Style of In-
corporation.

corporate and politic, in fact and in name, by the name of the "Nesbanic Mining Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and change and alter the same at pleasure, and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandize whatsoever, necessary to the objects of this incorporation.

Time and
mode of elec-
tion of first
directors.

Sec. 2. *And be it enacted*, That the stock, property, concerns and affairs of the said corporation shall be managed and conducted by seven directors, who shall be elected annually, on the first Monday of March, in each year, at such time of the day, and at such place in the village of Flemington, as the by-laws and orders of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than thirty days previous thereto, in one of the newspapers printed in the village of Flemington, and one printed in the city of Philadelphia, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each stockholder having one share, being entitled to one vote; a stockholder having five shares, shall be entitled to two votes; a stockholder having ten shares shall be entitled to four votes; a stockholder having fifteen or more shares shall be entitled to five votes; and the persons having the greatest number of votes shall be directors; and the said directors, as soon as they are elected, shall proceed to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall happen at any time among the directors, by death, removal, resignation or otherwise, such vacancy shall be filled, for the remainder of the year in which the same shall happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint; *Provided*, the persons so to be elected and appointed directors, shall be stockholders in this company, and shall be citizens of the United States.

Provide.

Treasurer and
his duty.

Sec. 3. *And be it enacted*, That the stockholders, at their annual meeting, mentioned in the preceding section, shall elect a treasurer, in the same manner as is directed for the election of directors; and he shall hold his office for one year, or during the pleasure of the stockholders, a majority of whom may, by their votes, in the manner herein before mentioned, displace him, and elect another; and it shall be the duty of the treasurer to hold

the funds of the incorporation, and to pay them out in such manner as the directors, at their meetings, may direct.

Sec. 4. *And be it enacted,* That in case it shall at any time happen, that an election of directors shall not be made on the day that, pursuant to this act, it ought to be made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in manner aforesaid, as shall be provided for by the by-laws and ordinances of said incorporation, and the directors, for the time being, shall hold their offices until others are chosen in their stead; and the first meeting for the election of directors shall be held, pursuant to ten days' written notice to be given by the said Hugh Capner to each of the subscribers to the stock of this incorporation, of the time and place of holding such election, at which time and place the subscribers so assembled, shall, in manner aforesaid, proceed to elect seven directors, who shall hold their offices until the first Monday of March next thereafter, or until others are chosen in their stead, and the directors thus chosen shall proceed immediately to the election of a president, in manner aforesaid.

Corporation
not dissolved
on failure to
elect on day
prescribed.

President to
be chosen.

Sec. 5. *And be it enacted,* That the capital stock of said incorporation shall not exceed one hundred thousand dollars; and that each share in the said stock shall be one hundred dollars; and it shall be lawful for such president and directors to call for and demand of the stockholders, respectively, all such sums of money as shall by them be subscribed, at such times and in such proportions as they shall deem fit under the pain of the forfeiture of their shares, and all previous payments made thereon, always giving at least sixty days notice of such call and demand, in the newspapers above mentioned; *provided*, the capital shall be employed solely for the purpose of working ores and minerals, in the county of Hunterdon, state of New Jersey, and in smelting the ores and in manufacturing the copper and ores obtained by this incorporation.

Amount of
capital stock

Stock forfeited
on failure to
pay instal-
ments.

Sec. 6. *And be it enacted,* That a majority of the directors, for the time being, shall form a board or quorum for the transaction of the business of the corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said incorporation, the duties and conduct of the officers, clerks, artificers, servants, and laborers employed by them, and all such other matters as appertain to the concerns of the said incorporation; and shall have power to employ so many officers, clerks and servants, for carrying on said business, with such salaries and allowances, as to them shall seem meet and proper.

Powers and
duties of di-
rectors.

Style of In-
corporation.

corporate and politic, in fact and in name, by the name of the "Nesbanic Mining Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and change and alter the same at pleasure, and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandize whatsoever, necessary to the objects of this incorporation.

Time and
mode of elec-
tion of first
directors.

Sec. 2. *And be it enacted*, That the stock, property, concerns and affairs of the said corporation shall be managed and conducted by seven directors, who shall be elected annually, on the first Monday of March, in each year, at such time of the day, and at such place in the village of Flemington, as the by-laws and orders of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than thirty days previous thereto, in one of the newspapers printed in the village of Flemington, and one printed in the city of Philadelphia, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each stockholder having one share, being entitled to one vote; a stockholder having five shares, shall be entitled to two votes; a stockholder having ten shares shall be entitled to four votes; a stockholder having fifteen or more shares shall be entitled to five votes; and the persons having the greatest number of votes shall be directors; and the said directors, as soon as they are elected, shall proceed to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall happen at any time among the directors, by death, removal, resignation or otherwise, such vacancy shall be filled, for the remainder of the year in which the same shall happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint; *Provided*, the persons so to be elected and appointed directors, shall be stockholders in this company, and shall be citizens of the United States.

Provide.

Treasurer and
his duty.

Sec. 3. *And be it enacted*, That the stockholders, at their annual meeting, mentioned in the preceding section, shall elect a treasurer, in the same manner as is directed for the election of directors; and he shall hold his office for one year, or during the pleasure of the stockholders, a majority of whom may, by their votes, in the manner herein before mentioned, displace him, and elect another; and it shall be the duty of the treasurer to hold

AN ACT to incorporate the City of Newark.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that district of country in the county of Essex, contained within the boundary lines of the township of Newark, as now established by law, and all the freemen of this state, inhabitants within the limits aforesaid, be, and hereby are ordained, constituted and declared to be from time to time and forever hereafter, one body corporate and politic in fact and in name, by the name of "The Mayor and Common Council of the City of Newark," and that by that name, they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal and alter the same at their pleasure, and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The Mayor and Common Council of the City of Newark," and their successors, shall, by virtue of this act, become, and be absolutely and completely vested with, possess and enjoy, all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion or remainder, which at the time of the passing of this act are vested in or belong to the inhabitants of the said township of Newark, in their corporate capacity, as now incorporated by the name of "The Inhabitants of the Township of Newark, in the County of Essex," according to such estate and interest as the said "The Inhabitants of the Township of Newark, in the County of Essex," at the time of the passage of this act have, or of right ought to have in the same; *Provided*, that nothing in this act contained, shall affect any suit or suits now pending in the name of "The Inhabitants of the Township of Newark, in the County of Essex."

City of Newark incorporated.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the said city shall be divided into four wards in the manner following, to wit: all that part of the said city lying north of a line beginning at the Passaic river, at a point opposite the middle of the street now called Centre street, and which leads from the east corner of the Military Commons to the new wharf called Centre Wharf, and from such point or place of beginning running up

City divided

Boundaries of wards.

and along the middle of said street, until it intersects the eastern branch of Broad street, which runs along the east side of the Military Commons, and thence running in a straight line across the said Commons to the middle of New street, where the same intersects Broad street, thence along the middle of New street to Washington street, and from thence continuing the same course or line last aforesaid until it intersects the division line between the township of Newark and the township of Orange, shall constitute the North Ward of the city of Newark aforesaid; and all that part of the said city lying south of a line commencing at the point in the division line between the townships of Newark and Orange, at which the continuation of a line running along the middle of William street to the said division line would intersect the same and form such point running in a straight line to the middle of William street where the same intersects the Springfield turnpike, and from thence through the middle of William street the several courses thereof to Broad street, thence in a direct line to the middle of Fair street where it intersects Broad street, thence along the middle of Fair street to Mulberry street, and from thence continuing the same course or line last aforesaid until it intersects the Passaic river or Newark bay, shall constitute the South Ward of the city of Newark; and all that part of said city lying west of a line running along the middle of Broad street and extending from the line which constitutes the north boundary of the South Ward where it crosses Broad street to the Liberty pole, standing on the south point of the Military Commons, and from thence running up the middle of said Commons until it intersects the line which constitutes the south boundary of the North Ward where it crosses the said Commons, shall constitute the West Ward of the said city of Newark, and all the residue of the said township of Newark shall constitute the East Ward of the said city of Newark; *Provided always*, that if any of the division lines aforesaid shall intersect any dwelling house, such house shall be considered as included in and belonging to the ward in which the largest portion thereof shall happen to lie.

Proviso.

Officers

Sec. 3. *And be it enacted*, That there be, and forever hereafter there shall be, in and for the said city, one mayor, one recorder, sixteen aldermen, one clerk, two coroners, one treasurer, four assessors, four collectors and twelve constables,

Common council how constituted

Sec. 4. *And be it enacted*, That the mayor, recorder and aldermen of the said city shall constitute and be called the common council of the said city, and the said common council shall be summoned and held at such times and places in the said city, as the mayor, or in his absence or sickness, the

AN ACT to incorporate the City of Newark.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that district of country in the county of Essex, contained within the boundary lines of the township of Newark, as now established by law, and all the freemen of this state, inhabitants within the limits aforesaid, be, and hereby are ordained, constituted and declared to be from time to time and forever hereafter, one body corporate and politic in fact and in name, by the name of "The Mayor and Common Council of the City of Newark," and that by that name, they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal and alter the same at their pleasure, and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The Mayor and Common Council of the City of Newark," and their successors, shall, by virtue of this act, become, and be absolutely and completely vested with, possess and enjoy, all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion or remainder, which at the time of the passing of this act are vested in or belong to the inhabitants of the said township of Newark, in their corporate capacity, as now incorporated by the name of "The Inhabitants of the Township of Newark, in the County of Essex," according to such estate and interest as the said "The Inhabitants of the Township of Newark, in the County of Essex," at the time of the passage of this act have, or of right ought to have in the same; *Provided*, that nothing in this act contained, shall affect any suit or suits now pending in the name of "The Inhabitants of the Township of Newark, in the County of Essex."

City of Newark incorporated.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the said city shall be divided into four wards in the manner following, to wit: all that part of the said city lying north of a line beginning at the Passaic river, at a point opposite the middle of the street now called Centre street, and which leads from the east corner of the Military Commons to the new wharf called Centre Wharf, and from such point or place of beginning running up

City divided

Boundaries of wards.

and along the middle of said street, until it intersects the eastern branch of Broad street, which runs along the east side of the Military Commons, and thence running in a straight line across the said Commons to the middle of New street, where the same intersects Broad street, thence along the middle of New street to Washington street, and from thence continuing the same course or line last aforesaid until it intersects the division line between the township of Newark and the township of Orange, shall constitute the North Ward of the city of Newark aforesaid; and all that part of the said city lying south of a line commencing at the point in the division line between the townships of Newark and Orange, at which the continuation of a line running along the middle of William street to the said division line would intersect the same and form such point running in a straight line to the middle of William street where the same intersects the Springfield turnpike, and from thence through the middle of William street the several courses thereof to Broad street, thence in a direct line to the middle of Fair street where it intersects Broad street, thence along the middle of Fair street to Mulberry street, and from thence continuing the same course or line last aforesaid until it intersects the Passaic river or Newark bay, shall constitute the South Ward of the city of Newark; and all that part of said city lying west of a line running along the middle of Broad street and extending from the line which constitutes the north boundary of the South Ward where it crosses Broad street to the Liberty pole, standing on the south point of the Military Commons, and from thence running up the middle of said Commons until it intersects the line which constitutes the south boundary of the North Ward where it crosses the said Commons, shall constitute the West Ward of the said city of Newark, and all the residue of the said township of Newark shall constitute the East Ward of the said city of Newark; *Provided always*, that if any of the division lines aforesaid shall intersect any dwelling house, such house shall be considered as included in and belonging to the ward in which the largest portion thereof shall happen to lie.

Proviso.

Officers

Sec. 3. *And be it enacted*, That there be, and forever hereafter there shall be, in and for the said city, one mayor, one recorder, sixteen aldermen, one clerk, two coroners, one treasurer, four assessors, four collectors and twelve constables.

Common council how constituted

Sec. 4. *And be it enacted*, That the mayor, recorder and aldermen of the said city shall constitute and be called the common council of the said city, and the said common council shall be summoned and held at such times and places in the said city, as the mayor, or in his absence or sickness, the

recorder of the said city shall appoint, and the mayor, or in his absence or sickness, the recorder of the said city shall appoint, and the mayor, or in his absence, the recorder, shall preside at the meetings of the common council, and have a casting vote, and if both be absent, one of the aldermen may be appointed by the members present chairman pro tempore, and a majority of the whole number of the common council shall be a quorum to transact business; *Provided*, that the said mayor, recorder and aldermen shall not have or exercise any of the powers, duties or functions of justices of the peace in this state, any thing in the act constituting courts for the trial of small causes, in any wise to the contrary notwithstanding.

Previous

Sec. 5. *And be it enacted*, That an election by ballot shall be held in each of the wards of the said city on the second Monday in April next, and on the second Monday in April in every year thereafter, at such place as the common council shall appoint, of which place the common council shall cause public notice in writing to be set up in three public places in the ward, and to be published in two or more of the newspapers printed in the said city, at least one week previous to the day of election, at which election four aldermen, one assessor, one collector, one judge of elections, one commissioner of appeal in cases of taxation, one person to be clerk of the ward, two school committee men, and three constables, shall be annually chosen in each of said wards from among the citizens residing therein, and entitled to vote at such elections, of which elections the judge of elections, assessor, and collector of each ward shall be the judges, except that the first elections to be held in said wards on the second Monday in April next, shall be held at the places now fixed for holding the annual ward meetings of the township of Newark, and under the direction of the judges and inspectors of elections of the said wards, as now constituted; that the poll of such election shall be opened at ten o'clock in the forenoon, and closed at seven in the evening, and that all persons who by law are or may be qualified to vote at town meetings, shall be entitled to vote at such election, in the ward in which they actually reside at the time of offering their votes; that the name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the ward, as now constituted, and that after the poll shall be closed, the said judges shall count the votes given for the several candidates, and certify the result under their hands, and deliver such certificates to the clerk of the ward, who shall file and preserve the same, and within five days after such election, deliver a copy thereof to the

Time and mode of elections

Qualification of voters

them subscribed, at such times and in such proportions, not exceeding five dollars on each share at any one time, as they shall deem proper, giving at least thirty days previous notice, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payments shall not be made within thirty days after such notice as aforesaid shall have been published in or near the place where such payments shall be required to be made, and also in one or more newspapers published in the city of New York.

Stock personal
estate.

Sec. 4. *And be it enacted*, That the stock and property of said corporation, of whatever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation: *Provided*, that no dividends shall be made to and among the stockholders, except from and out of the profits of the said corporation.

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 5. *And be it enacted*, That in case it should at any time happen, that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Powers and
duties of di-
rectors.

Sec. 6. *And be it enacted*, That a majority of directors for the time being, shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, and the disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, the same are not contrary to the laws and constitution of the United States or of this state.

Books open
to inspection
of stockhold-
ers.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all transactions of the said corporation; which books shall at all times during business hours be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys: and further, that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose.

How compa-
ny may be
dissolved.

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose, *provided* at least three fourths in value of the stockholders shall be present or represented therein, and vote in favor of such dissolution; and upon such dissolution, the directors for the time being, and the survivors and

survivor of them, shall be *ipso facto* trustees for settling all the affairs of the said corporation, and disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors and survivor of them, shall be trustees and trustee for the purpose aforesaid; and that stockholders owning one fourth of the stock holden, may, by giving notice in a newspaper published in Paterson, for a fortnight, and one newspaper published in the city of New York, a fortnight, call a public meeting of the stockholders for the purpose of passing by-laws, and ordinances for the election of directors; and that such by-laws and ordinances shall be binding until in like manner repealed or altered, in case a majority of the stock is represented at such meeting, either in person or by proxy.

Sec. 9. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years from the passing thereof, and from thence to the end of the next session of the Legislature and no longer; and further, that it shall and may be lawful for the Legislature of this state, at any time hereafter, to alter, modify or repeal this act, whenever the public good requires it.

Limitation of act

Act may be altered or repealed.

Passed, February 26, 1836.

A SUPPLEMENT to an Act entitled "An Act to incorporate the stockholders of the Bridges over the Rivers Passaic and Hackensack."

WHEREAS the construction of the bridge of the New-Jersey Rail Road and Transportation Company, over the Hackensack river, in the immediate vicinity of "the Proprietors of the Bridges over the Rivers Passaic and Hackensack," renders it necessary in order to preserve the navigation of said

Preamble.

for preventing or restraining riots, routs, disturbances or disorderly assemblages in any street, house or place in said city; for regulating, protecting and improving the public grounds in said city; for preserving aqueducts in said city, and sinking and regulating wells, pumps and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or suppression of fires; for regulating or preventing the carrying on manufactures dangerous in causing or promoting fires; and for regulating the keeping and transporting of gunpowder, or other combustible or dangerous materials; and it shall be lawful for the said common council, or the major part of them, to appoint and remove fire wardens, and by ordinance to prescribe the powers and duties of such fire wardens, and of the fire engineers and firemen; which engineers and firemen shall be exempt from road tax, not exceeding the sum of three dollars, and from serving as jurors, or in the militia, in time of peace, and after serving ten years, successively, as firemen, shall be exempt from further duty as firemen, and also remain, thereafter, exempted from serving as jurors, or in the militia, in time of peace; to pass ordinances for protecting goods from being purloined at fires; for compelling the cleaning of chimnies, and licensing chimney sweeps; for regulating the dimensions of chimnies, hereafter to be built; for appointing watchmen, and prescribing their powers and duties; for regulating weights and measures, and the guaging of all casks of liquor and liquids; for regulating petty grocers, keepers of ordinaries or victualing houses, and the vending of meats and vegetables; for establishing and regulating public pounds; for restraining vagrants mendicants and street beggars; for regulating the police of said city; for regulating cartmen and cartage; for erecting, maintaining and regulating one or more public markets in said city, and a city hall, or town house; and the said common council shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality; for preserving peace and good order; for the prevention of forestalling and regrating; for suppressing and restraining disorderly and gaming houses, and such other by-laws and ordinances, for the peace and good order of the said city, as they may deem expedient, not repugnant to the constitution of this state, or of the United States; and to enforce the observance of all such laws or ordinances, by enacting penalties, for the violation thereof, either by imprisonment, not exceeding four days, or by fine, not exceeding fifty dollars, recoverable, with costs, in an action of debt, and in the name of the treasurer of said city, for the use of the corporation of said city, before any justice thereof, in which action

the first process may be either by summons or warrant, and in which action it shall be lawful to declare, generally, in debt, for such penalty, and give the special matter in evidence; and further, it shall be lawful for any such justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect, by warrant of commitment, under his hand and seal, directed to the keeper of the common jail of the county of Essex; *Provided always* that each and every ordinance so passed, as aforesaid, shall be published, for the space of at least twenty days, in two of the newspapers published in said city, before the said ordinance shall go into effect.

Provide.

Sec. 15. *And be it enacted*, That upon the trial of any issue or upon the judicial investigation of any fact, to which issue or investigation "The Mayor and Common Council of the City of Newark" are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder or freeman of the said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue and give this act and the special matter in evidence at the trial.

Inhabitants not incompetent witnesses.

Sec. 16. *And be it enacted*, That the said Common Council shall have power to build, establish, keep and maintain one or more work-house or work-houses, and one or more alms-house or alms-houses for the relief of the poor; and the said common council shall have power by their ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; and that the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city shall be under the government, management and direction of the common council, and of such overseers of the poor and other officers as they shall for that purpose constitute and appoint; and the overseers of the poor appointed by the common council, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Common council may build work-houses, &c.

Sec. 17. *And be it enacted*, That the said common council, or a majority of them in council assembled, shall and may grant licences annually, under the common seal of said city, to such and so many tavern keepers, inn keepers, victuallers and retailers of spiritous liquors, as they may think necessary within the said city, on such terms, and under

May grant tavern licences.

such limitations, regulations and restrictions, as the said common council shall by their ordinance impose, and no other license for such purpose, within the said city, granted by any other authority, shall be lawful.

Taxes may be raised

Sec. 18. *And be it enacted*, That it shall be lawful for the common council of the said city, to order the raising, and cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient, for defraying the expenses of lighting the streets of said city, supporting a night watch therein, supplying the said city with water for the extinguishment of fires and watering the streets; purchasing the stock of any existing aqueduct company, with its privileges and powers in said city for the supply of pure and wholesome water, for domestic purposes, supporting the fire engine department, regulating, paving, flagging and gravelling the streets of said city, improving the public grounds; maintaining and supporting the poor, schooling poor children, purchasing a lot or lots in said city for the purpose of erecting and maintaining one or more public market houses, work houses and alms houses, and a city hall or town house, and for defraying the contingent expenses of the said city, and for all other objects and purposes authorized by this act; to be assessed by the assessors, and collected by the collectors of the said city, in the manner in which the taxes of the county of Essex are assessed and collected, so much of the said taxes nevertheless as shall be raised for lighting the streets of said city, supporting a night watch therein, supplying the said city with water for the extinguishment of fires, regulating, paving, flagging and gravelling the streets, improving the public grounds as aforesaid, be assessed and collected upon and from all persons residing and lands located within the lamp or watch district of said city, to be by said common council hereafter from time to time by ordinance established, which taxes when collected shall be paid into the hands of the treasurer of the said city, to be subject to the order of the said common council, and it shall be lawful for the said "The Mayor and Common Council of the City of Newark" to borrow money from time to time for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof by bond or other instrument under their common seal, and the signature of the said mayor, and to provide by tax for the payment thereof.

May borrow money

Sec. 19. *And be it enacted*, That it shall be lawful for the common council of the said city to provide by ordinance or by law, for the election, at the annual elections to be holden in the wards of said city, on the second Monday of April

annually, of such additional number of constables, as the peace and good order of the said city in the opinion of the common council may require.

Constables

Sec. 20. *And be it enacted*, That the said city shall be entitled to its just quota of the annual appropriation of the school fund of this state, to be ascertained in the manner in which the quotas of the townships of this state now or hereafter shall be ascertained, which shall be from time to time paid over to the treasurer of the said city, and be applied under the direction of the school committee, either to the support of common schools in said city, or to the schooling of poor children of said city, as the common council shall by resolution order and direct.

School fund

Sec. 21. *And be it enacted*, That there shall be in and for said city, eight special police justices, two in each ward of the said city, who shall be appointed by the council and general assembly of this state, in joint meeting, and hold their offices for the like term, and be commissioned in the like manner, as justices of the peace in and for the several counties in this state, and be in the like manner amenable to the council and general assembly, provided that the said justices shall not by virtue of their said offices, be authorized to hear and try any civil action, except such as may be brought to recover a penalty under the by-laws and ordinances of the said city, in which cases they may severally act as justices of the peace in their civil capacity.

Special police officers to be appointed

Sec. 22. *And be it enacted*, That it shall be the duty of the treasurer of the said city, once in each year, to make out a full and true account of all the moneys raised by tax or loan for the use of the said city, since the last annual election, and of the application and expenditure of the same, and to deliver the said account to the clerk of said city, ten days previous to the day of the next annual election, to be by him filed in his office; and it shall be the duty of the said clerk to cause a copy of the said account to be published in two of the newspapers published in said city, at least five days previous to the day of the next annual election for city officers.

Annual account of the treasurer to be published

Sec. 23. *And be it enacted*, That it shall and may be lawful for the common council of the said city, to give and grant unto the mayor thereof, for the time being, such salary per annum as they shall direct, not exceeding five hundred dollars, payable out of the treasury of the said city, quarter yearly, and the treasurer and clerk of said city shall be paid out of said treasury such compensation for their services as the common council shall deem reasonable and proper.

Salaries of mayor, treasurer and clerk

Sec. 24. *And be it enacted*, That the treasurer and collec-

Treasurer and
collector to
give bond

tors of said city, before they enter upon the duties of their respective offices, shall severally execute their respective bonds to "The Mayor and Common Council of the City of Newark," in such sums and with such sureties as the said common council shall approve, conditioned for the faithful execution of the duties of their respective offices.

Constables to
take oath and
give bonds

Sec. 25. *And be it enacted*, That every constable of the said city, before he enters upon the duties of his office, shall take and subscribe before the clerk of the said city, an oath or affirmation, in the form prescribed for constables of township in the nineteenth section of the act of the legislature entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," using the word "city" instead of the word "township;" and the said clerk shall endorse on the said oath or affirmation, the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation and endorsement thereon in his office; and further, that every constable of the said city, before he enters upon the execution of his office, shall repair to the common council of the said city, and enter into bond to "The Mayor and Common Council of the City of Newark," with one or more sureties, to be approved of by the said common council, in such sum as the said common council shall direct, in the form as near as may be, prescribed in the fifty-eighth section of the act of the legislature entitled "An act for the trial of small causes;" which bond shall be delivered to the clerk of the city, who is hereby directed and required to record and file the same in his office, and the said mayor and common council are hereby directed and required, if need be, to prosecute the said bond for and in behalf, and to the use of all and every person or persons whatever, who may have sustained loss by the neglect or misconduct of the said constable; and all suits on such bonds shall be prosecuted and conducted in the manner directed in the fifty-ninth section of the last mentioned act, for prosecuting and conducting suits on constables' bonds.

Mode of pro-
secuting con-
stables bonds

Paving, &c.

Sec. 26. *And be it enacted*, That it shall be lawful for the common council of the said city, or the major part of them in common council convened, to make and establish ordinances and regulations, for the levelling, grading, and paving, flagging, or gravelling side walks, in any street or streets in said city, by the owners or occupants of lots fronting on or adjoining such street or streets, and to appoint one or more discreet and skilful person or persons, to superintend the said work, and prescribe the manner in which the same shall be performed; and to enforce such ordinances and regulations, by enacting penalties for non-compliance therewith, to be

sued for and recovered, with costs of suit, in an action of debt, by and in the name of the treasurer of the said city, for the use of the city, before any justice of the peace thereof, or any other court having cognizance of the same.

Sec. 27. *And be it enacted,* That if any lot, in front whereof the side walks shall, by such ordinance or regulation be directed to be levelled, graded, and paved, flagged, or gravelled, shall have no dwelling house erected thereon, and the owner thereof shall neglect to comply with such ordinance or regulation, within three months from its passage or adoption, it shall be lawful for the said common council to cause an estimate of the expense of conforming to such ordinance or regulation, with respect to such lot, to be made, assessed and certified by three assessors, to be appointed by the said common council; and if such assessment be approved by the common council, they shall cause an advertisement to be inserted in two or more of the public newspapers published in said city, for two months, stating the amount of such assessment, and requiring the owner of such lot to pay the same to the treasurer of said city, appointing a day and place when and where such lot will be sold, at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed as aforesaid, and if, notwithstanding such notice and demand, the owner or owners of such lot shall neglect to pay such assessment, with the costs and charges thereof, and of the said advertisement, it shall be lawful for the said common council to cause such lot to be sold at public auction, for a term of years, at the time and for the purposes, and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same for his and their own proper use, against the owner or owners, and all claiming under him or them, until his term therein shall be fully complete and ended, and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot at the expiration of the term in sufficient fence, and the side walk in front thereof in the order required by such ordinance or regulation; *Provided always,* that if after defraying the actual expense of levelling, grading, and paving, flagging or gravelling the side walk in front of any lot, so sold as aforesaid, in the manner directed by such ordinance or regulation, and deducting all reasonable charges, attending the sale, a surplus of the purchase money shall re-

Lots may be sold, &c.

Proviso.

main in the hands of the treasurer of the said city, the same shall forthwith be paid to the owner or owners of such lot, or his or their legal representatives.

Amount of estimate for paving, &c. to be a lien on the lot

Sec. 28. *And be it enacted*, That the amount of the estimate or assessment to be made as aforesaid, on any lot in said city, shall be and remain a lien thereon from the time of the completion and return of such estimate or assessment, in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for "The Mayor and Common Council of the City of Newark," instead of the remedy herein above provided, if they shall see fit, in case the owner or occupant of any lot, or any house and lot, within the said city, shall neglect to comply with such ordinance or regulation in respect to the side walk in front thereof, to cause the same to be done and paid for, out of any moneys in the hands of the treasurer of said city, and to sue for and recover the amount so paid, from the owner or owners of such lot, or his or their legal representatives, with interest and costs, in any court in this state having cognizance thereof, in an action on the case, for so much money, by them paid, laid out, and expended, to and for the use of such owner or owners, or his or their legal representatives, and in every such action, the said estimate or assessment, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

Tenants may pave &c. and deduct expenses from rent

Sec. 29. *And be it enacted*, That if the tenant of any lot, or house and lot within the said city, shall cause the side walks in front thereof to be levelled, graded and paved, flagged or gravelled, in obedience to such ordinance or regulation, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representatives, with interest and costs, in an action on the case, in any court in this state having cognizance thereof, for so much money by him paid, laid out and expended, to and for his or their use; *Provided*, that nothing in this act shall affect any contract or agreement, made or to be made, between landlord and tenant, respecting such charges or expenses.

Powers of common council relating to streets

Sec. 30. *And be it enacted*, That it shall be lawful for the said common council to lay out and open any street, road, or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city, to be vacated, opened, altered or widened, whenever and so often as they shall judge the public good requires the same to be done, and the said common council shall give notice to the owner or owners of any lands or other real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her, or their agent, or legal

representatives, of their intention to take such land, or other real estate and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same, and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the common council cannot agree with such person or persons for the same, then it shall be lawful for the common council to appoint five disinterested freeholders of the said city, at least one from each ward, commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, altering or widening any such street, road, highway or alley; and in estimating and assessing such damages the said commissioners shall have due regard as well to the value of the land or other real estate with the appurtenances as to the injury or benefit of the owner or owners thereof by laying out, altering or widening any such street, road, highway or alley; *Provided*, that no street, road, highway or alley in said city shall be altered or widened as aforesaid, except on the application in writing to the said common council by three-fourths of all the owners of lands laying on said road, highway or alley.

Commissioners to ascertain damages to private property

Sec. 31. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn before the mayor, recorder, or any alderman of said city, to make the estimate and assessment submitted to them, fairly and impartially, according to the best of their skill and judgment.

Commissioners to be sworn

Sec. 32. *And be it enacted*, That the said common council shall appoint a time and place within the said city for the said commissioners to meet; notice whereof shall be given by putting up an advertisement, in five public places, in said city, one whereof shall be in each of the wards of the said city, at least ten days before the time of meeting, which advertisement shall specify the street, road, highway, or alley proposed to be laid out, altered or widened, the alterations proposed to be made, and the lands or other real estate with the appurtenances intended to be taken for such purposes, and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make just and true estimates and assessments as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of said city, and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate with the appurtenances, subject only to the appeal hereafter given,

Notice to be given of meeting of commissioners

and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate with the appurtenances to be converted and used for the purpose aforesaid; *Provided however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council, or of the said commissioners, may appeal therefrom to the supreme court of this state within thirty days from the time of making the final order of the common council, and the supreme court, shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

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Appeal from
commissioners
to supreme
court

Trial by jury

Mode of recov-
ering damages

Sec. 33. *And be it enacted*, That in case of non-payment on demand of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the mayor and common council of the said city in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council or award of said jury as the case may be, shall be conclusive evidence against the defendants.

Damages to be
assessed on
owners of lots

Sec. 34. *And be it enacted*, That in order to provide for the payment of the damages assessed as aforesaid, for the laying out and opening of any street, road, or highway, in the said city, or for the altering or widening of any street, road, highway or alley, already laid out in the said city, and of all other necessary expenses incident to such laying out, altering or widening, the said common council shall ascertain the whole amount of such damages and expenses, and shall cause to be made a just and equitable assessment thereof among the owners and occupants of all the houses and lots intended to be benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire, and the common council shall appoint five disinterested freeholders of the said city, at least one from each ward, to make every such assessment; who, before they enter upon the execution of their trusts, shall be sworn before any justice of the peace or special justice of said city, to make the said assessment fairly, according to the best of their skill and judgment, and a certificate in writing of such assessment, signed by a majority of such persons, being returned to the common council, and ratified by them, shall be binding and conclusive upon the owners and occupants of such houses and lots to be assessed respectively; and such owners or occupants shall also, respectively, on demand, pay to such persons as shall be au-

thorized by the said common council to receive the same, the sums at which such houses and lots shall be assessed to be applied to the payment of the damages and expenses of laying out, altering, or widening the said street, road, highway or alley, as aforesaid, under default of such payment, or any part thereof, it shall be lawful for the said mayor and common council of said city, by warrant under their common seal, to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus (if any) after deducting the charges of such distress and sale, to such owner or occupant, or his or her legal representatives; *Provided always*, that nothing in this act contained, shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never passed, and further, if any such assessment, or any part thereof, shall be paid by any person when, by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same, and the assessment aforesaid, and proof of payment shall be conclusive evidence in said suit, and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who, in law, ought to bear and pay every such assessment. Provide

Sec. 35. *And be it enacted*, That in case any assessment, made as aforesaid, shall not have been complied with, by payment of the sums thereby assessed, it shall be lawful for the common council to cause the same to be advertised in two or more public newspapers, printed in the said city, for two months, thereby requiring the owners or occupants of such houses and lots, respectively, to pay the sums at which such houses and lots shall have been assessed, to the treasurer of the said city; and that if default shall be made in such payment, such houses and lots will be sold, at public auction, at a day and place to be specified therein, for the lowest term of years at which any person will offer to take the same, in consideration of paying the sum assessed on the same, with the interest thereof, and the expenses of such advertisement and sale, and if notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such assessment, and the interest thereon, and the expenses of the said advertisement, then it shall be lawful for the said mayor and common council to cause such real estate to be sold, at public auction, Houses and lots to be sold to pay assessments

for a term of years, for the purposes, and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof under the common seal of the said city, and such purchaser, his executors, administrators or assigns, shall by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof claiming under him or them, until his term shall be complete and ended, and that such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as the same was when it came into his possession.

Assessment a
lien on lots.

Sec. 36. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed, from the time of the completion and return of such assessment in manner aforesaid, until the same shall be paid and satisfied, and that it shall be lawful for the said mayor and common council instead of the remedies herein above provided, if they shall see fit, in case of refusal and neglect to pay any assessment made as aforesaid, to sue for and recover the amount of any such assessment from the person or persons who under the provisions of this act ought to pay for the same, or his, her or their legal representatives, with interest and costs of suit, in any court in this state having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended for such person or persons, or his, her or their legal representatives, and the said assessment shall be conclusive evidence for the plaintiff in every such action.

Streets, &c.
not laid out by
corporation
not treated as
public high-
ways.

Sec. 37. *And be it enacted*, That no street, road, highway or alley hereafter to be laid out or opened in the said city, shall be recognised, considered, or treated as a public street, road, highway or alley, unless the same be laid out and opened under the direction of the said common council, in manner aforesaid.

Act not to go
into effect un-
less sanctioned
by three-fifths
of the voters.

Sec. 38. *And be it enacted*, That this act shall not go into effect unless the assent of three-fifths of the electors of said township shall be first ascertained; and for that purpose a poll shall be opened on the eighteenth day of March next, between the hours of ten in the morning and six in the afternoon, under the direction of the judge and inspectors of election of the respective wards, and at the places where the last annual elections were held; of which time and places the town committee of the township of Newark shall give at least one week's previous notice in two of the newspapers published in the said township; and the electors entitled to vote at

ward meetings shall express their assent or refusal of this act by depositing their ballots in the box provided for that purpose, in their respective wards; and those electors who are in favor of the said law shall each deposit a ballot containing the word "corporation" written or printed thereon; and those who are opposed shall each deposit a ballot with the words "no corporation" written or printed thereon; and a canvass and return of the votes shall be made by the judges and inspectors of the respective wards in the same manner to the township committee, as is now prescribed by law in regard to the canvass and return of votes for chosen freeholders, surveyors of the highways and school committee-men of the township of Newark; and if three-fifths of those who vote at such elections, at such canvass, are found to be in favor of this act, it shall then, but not otherwise go into effect.

Sec. 39. *And be it enacted*, That the act entitled an act to divide the township of Newark, in the county of Essex, into wards and districts, and for other purposes, passed February sixth, eighteen hundred and thirty-three, be and the same is hereby repealed, on and after the second Monday in April next, and that the act entitled an act incorporating the inhabitants of townships, designating their powers and regulating their meetings, passed February twenty-first, seventeen hundred and ninety-eight, and all acts and parts of acts, which are contrary to, or inconsistent with the provisions of this act, shall be and the same are hereby repealed on and after the said second Monday of April next, so far as relates or extends to the said township of Newark in the county of Essex.

Former acts
repealed.

Sec. 40. *And be it enacted*, That the legislature may, at any time hereafter, alter, modify or repeal this act.

Act may be al-
tered or repeal-
ed.

Passed, February 29, 1836.

Provided.

pay the same, he, she, or they, so neglecting or refusing, shall forfeit their stock and all payments made thereon; and the said board of directors shall and may require from their treasurer, such security as to them shall seem just; *Provided always*, that no by-law or regulation of said company shall be inconsistent with, or repugnant to, the laws of this state, or of the United States, or this charter.

Directors to fix time and place of annual election

Sec. 6. And be it enacted, That when the said board of directors are so selected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such person as they, or a majority of them, shall direct, all moneys which they have received for the subscription to said capital stock, first deducting therefrom, all expenses to which they have been exposed, for books, printing, or other expenditures, and the sum of one dollar per day, for each and every day they shall have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter, cause an election to be held, at such time and place as their by-laws shall direct, for directors of said corporation, and such directors, so annually chosen, shall, in like manner, have power to elect their president and other officers, agents, engineers, workmen, and artificers, as is by the fifth section of this charter herein before provided; and shall and may have the power, at all times, to remove their officers and other persons so appointed, and appoint others in their stead, if the interest of the company so require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen from death, resignation, or otherwise.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. And be it enacted, That in case it should happen that an election of directors should not be made on the day, or at the time when, pursuant to this act it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being, shall continue to hold their offices until new ones shall have been chosen in their places.

Location of rail road.

Sec. 8. And be it enacted, That the said president and directors of the said company are hereby authorized and invested with all the right and powers necessary and expedient to survey, lay out, and construct a rail road, not exceeding sixty-six feet in width, to commence at some point in the city of Camden, in the county of Gloucester, and to run thence to some point at the town of Woodbury, in said county, making in distance from the city of Camden aforesaid, to the town of Woodbury aforesaid, about eight miles: with as many sets of tracks, or rails, as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engi-

neers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary to lay rails, and to do all other things which shall be necessary or suitable to call into full effect the objects of this charter; *Provided always*, that the said corporation shall pay, or make tender of payment, of all damages for the occupancy of the lands through which the said rail road may be laid out, before the said company, or any person in their employ, shall enter upon, or break ground in the premises, except for the purpose of surveying said route, unless the consent of the owner or owners of such land be first had and obtained

Survey of
route to be
filed in Secre-
tary's office.

Proviso.

Sec. 9. *And be it enacted*, That if the owners of the land, on which such rail road shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the Inferior Court of Common Pleas of the said county of Gloucester, who is disinterested in the premises, upon the application of either party, and after notice to the opposite party of such application, and after hearing the parties, to appoint three disinterested freeholders of said county as commissioners, to assess the price or value of said land, and also are directed and required to assess the damage which any individual or individuals may sustain by the said road, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after notice to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and therein make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with such description of the said land, and the quantity taken, by whom owned, and how situate bounded, and described, in writing, under their hands and seals, or a majority of them, to the judge who appointed them, to be by him returned and filed, together with all the papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken if required, by either party; if either party shall feel aggrieved by the decision of

Proceedings
when the com-
pany and
owners can-
not agree

such commissioners, the parties so aggrieved may appeal to the Inferior Court of Common Pleas of the county, at the first or second term after the decision of the commissioners, by proceeding in the form of petition to said court, with notice to the opposite party of such appeal, which proceedings shall vest in said Court of Common Pleas, full right and power to hear and adjudge the same, and if required, they shall award a venire, in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said land, and all damages sustained; and for that purpose to view the lands in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than said commissioners, then judgment shall be given with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded; then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such land and real estate so appraised as aforesaid.

Value of
lands to be
paid into court
of chancery in
certain cases

Sec. 10. *And be it enacted*, That in case any owner or owners, of such land or real estate, shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation, to pay the amount of any award or report so made in behalf of any such person, into the Court of Chancery to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all of which proceedings, as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for, and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witnesses fees.

Other roads
not to be ob-
structed.

Sec. 11. *And be it enacted*, That it shall be the duty of said company, to construct and keep in repair, good and sufficient bridges or passages over or under the said rail road, where any public or private road shall cross the same, so that the passage of carriages, horses and cattle, over the said road, shall not be impeded thereby; and, also, where the said road shall intersect any farm or other lands, of any individual, to provide and keep in repair suitable wagon ways, over or under said road, so that the same may be conveniently passed; and likewise, to make

and maintain good and lawful fences along the line of said rail road where the same may be necessary.

Sec. 12. *And be it enacted*, That the said company may construct the said rail road across or upon any stream of water, or water-courses, if the same may be necessary; but the said company shall restore such stream of water or water-courses to such state or condition, as not to impair its usefulness; *Provided always*, that in case the said company shall cross any navigable river or rivers, or stream of water, they shall be at liberty to erect and build a bridge or bridges for that purpose, over such river or rivers, or streams of water, but the bridge or bridges so to be built by the said company, shall be of a height or distance above the level of the water, not less than the bridges across such river or rivers, or streams of water, now are, nearest to the mouth of the said river or rivers.

Regulations
respecting
crossing water
courses

Sec. 13. *And be it enacted*, That the president and directors of said company shall have power, at their discretion, to have constructed, or to purchase, with the funds of the company, and to place on the rail road, by them constructed, all machines, engines, wagons, carriages, or vehicles, for the transportation of persons, or any species of property thereon, as they may think expedient and right; *provided*, they shall not charge more than at the rate of ten cents per mile, per ton, for the transportation of property on said road, not particularly specified in this act, five cents per mile for each passenger in the carriages of the company, ten cents per mile, per cord of wood, ten cents per thousand feet, for lumber, per mile, one half of a cent per mile, per bushel, for grain; and the said company may purchase, and have, and hold, real estate, at each termination of said road, or as near thereto as they can procure the same, and at such intermediate point as the directors may think proper, not exceeding two acres at each place, for the purpose of erecting and building thereon, carriage houses, machine shops, warehouses, and such other buildings and improvements as may be deemed necessary and expedient for the preservation and safety of carriages and property and other necessary uses; and that the said rail road and appendages, carriages, engines, tools, implements, and all other property, real and personal, by the said company, had, held, used, occupied and enjoyed, and necessary and proper for the use of the said company, shall be, and the same is hereby vested in the said corporation, and their successors and assigns, during the continuance of this act.

Rates for pas-
sage or trans-
portation.

What real
estate may be
held

Sec. 14. *And be it enacted*, That the president and directors of the said company may, whenever the sum of ten thousand dollars is paid in, according to this act, commence the said rail road at the city of Camden, or at the town of Woodbury, aforesaid, or such other place or places as they may think pro-

Limitation

per, and they are then authorized and required to construct the said rail road according to the direction of this act; and if the said road shall not be finished within five years from the passing of this act, then the right of the said corporation shall wholly cease and be void.

Penalty for
injuring road
or works.

Sec. 15. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the said rail road, or any part thereof, constructed by the said corporation, under the provisions of this act, or any of their works, wharves, carriages, houses, bridges, engines, machines, implements, or tools, such person so offending, shall forfeit and pay to the said company, the sum of twenty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and shall be also liable for damages.

Semi annual
dividends to be
made.

Sec. 16. *And be it enacted*, That the president and directors of said corporation shall, within one year after the full completion and use of said road, declare and make such dividends out of the clear profits of the said rail road, as they may deem prudent, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders, or their legal representatives, in proportion to the shares held by them respectively, as they may deem prudent; *Provided*, that the said corporation shall not at any time make, declare, or pay out any dividends of the capital stock of said corporation.

Proviso

Rail road a
public high-
way.

Sec. 17. *And be it enacted*, That the road authorized by this act, be, and the same is hereby declared a public highway, and shall be free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls by this act allowed, and where the carriages, that so pass said road, are owned by other persons than the company, the following rates of toll shall be paid to said company; five cents per mile per ton, for the transportation of property (not herein specified) five cents per mile per thousand feet, for lumber, five cents per mile for each cord of wood; one quarter of a cent per bushel for all kinds of grain; two and a half cents per mile for each passenger, and two cents per mile for each empty carriage, car, or other vehicle, and the same for each horse, mare, gelding or mule; *Provided*, that the said carriage so used thereon, shall be of the same description, in the formation of the wheels, and length of axle as those used by the company, and shall be so regulated, as to the time of starting, and rates of travelling, as not to interfere with the carriages of the company, or with any regulations they may adopt, under the provisions of this act; and the persons travelling on the road, shall at all times be subject to the rules of said corporation.

Rates of toll
on carriages
that do not
belong to com-
pany.

Proviso.

Sec. 18. *And be it enacted*, That as soon as the rail road,

with its appendages, shall be finished and completed, the president and treasurer of said company, under oath or affirmation, shall file a statement in the office of the secretary of state, of the actual cost of said road, including all expenses; and annually thereafter, the president and treasurer of said company, shall make a statement to the legislature of this state, under like oath or affirmation, of the proceeds of said road, and as soon as the nett proceeds of said road shall amount to six per centum per annum, upon its whole cost, the said corporation shall pay to the treasurer of this state, a tax, one half of one per centum per annum, on the cost of said road to be paid annually, on the first Monday in January, in each year; *Provided*, that no other tax for the use of this state shall be imposed upon the said company.

Cost of road to be filed with Secretary of State.

Proviso.

Sec. 19. *And be it enacted*, That the said corporation shall not, in any manner or form, use or employ any part of their stock, funds, or other estate, in banking or other operations, not clearly indicated by this act upon penalty of the immediate forfeiture of this charter.

Stock not to be used in banking operations

Sec. 20. *And be it enacted*, That at any time after the expiration of thirty years after the time herein before limited for the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the Legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh person, who, with the aforesaid six shall report as aforesaid: or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the appointment by the said chief justice then the three persons so appointed by him, shall proceed to make such appraisement which shall be binding on the said company: or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh person as aforesaid, to make such appraisement, then upon two weeks notice to the said company, the said chief justice shall appoint such seventh person as aforesaid, to make such appraisement as aforesaid: and thereupon the state shall have the privilege for three years of taking the said road, upon the payment to the company of the amount of said report, within one year after electing to take said road, which report shall be filed in the office of the Secretary of this state; and the whole property and interest of the said road and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the

State may take the road

Legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road and of all the receipts and disbursements of the company: *Provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of the said rail road, with the land and appendages thereof.

Act may be altered or repealed.

Sec. 21. *And be it enacted*, That the Legislature may alter, amend, or modify this charter whenever in their opinion the public good requires it.

Lands to revert to owners in certain cases.

Sec. 22. *And be it enacted*, That in case the said road shall not be made after the acquirement of the land for that purpose, or shall not be finished in the time prescribed by law, or shall at any time hereafter be abandoned, then and in either of those cases, the lands shall revert to the original owner or owners thereof.

Passed, March 1, 1836.

AN ACT to enable the owners of the swamps and bog meadows, lying on the east and west branches of Paulings Kill, above Lafayette, in the township of Newton and county of Sussex, to drain the same.

Preamble.

WHEREAS it is represented to this legislature that there are large bodies of bog meadow and swamp land, lying on the east and west branches of Paulings Kill, in the township of Newton, and county of Sussex, in this state, containing between two and three thousand acres, in a waste and unproductive state, and which, if properly drained and reclaimed, would be valuable and productive, and the surrounding country rendered much more healthy, and its agricultural products greatly increased; *And whereas* no existing law of the state will enable the owners thereof ef-

fectually to drain and reclaim the same, and part of said owners, by their petition, having prayed legislative aid in the premises—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of the bog meadow and swamp land, lying on the east and west branches of Paulings Kill, in the township of Newton and county of Sussex, which said owners and possessors shall hereafter be denominated and known by the name of "The Paulings Kill Meadow Company," to meet at the inn of John S. Marbose on the first day of April next, at two o'clock in the afternoon, and yearly thereafter, on the same day and hour of every year, and every future meeting to be held at such place as may, by a majority of votes of the said owners and possessors present, be decided upon, and on failure of such appointment, when the last meeting was held, then it shall be lawful for any two of the said owners or possessors, by public advertisement, under their hand, set up in three of the most public places in the neighborhood of said lands, and giving eight days notice, to call a meeting of said owners and possessors, at the place where the last annual meeting was held; and then and there, by plurality of votes of the persons so met, personally or by proxy, in writing duly executed, choose three managers, who are to serve until the next annual meeting, or until others be chosen; and in case of death, removal, inability, or refusal to serve of the said managers, or either of them, then it shall be lawful for any two of the owners or possessors to advertise and proceed, in manner above prescribed, to choose one or more managers, as the case may require; and at all such elections, each owner or possessor of such swamp or bog meadow, shall have one vote for every fifty acres, or less, held by him, and one additional vote for every additional fifty acres.

Name of company

Time and mode of electing managers

Sec. 2. *And be it enacted,* That it shall be the duty of said managers, chosen as aforesaid, immediately, or as soon as possible after their appointment, to proceed, with the assistance of a well known and respectable surveyor, to be by them selected for that purpose, to measure, ascertain and determine each owner's or possessor's number of acres of swamp and bog meadow, and they shall further ascertain and determine the proportion that each owner or possessor shall pay, per acre, of any sum of money which shall be raised, as hereinafter provided for, according to the proportion of benefit, which, in the judgment of the said managers, or any two of them, the said owners or proprietors will eventually receive, and make a regular return, plot and drawing of the same

Duties of managers

upon which shall be entered the rate or proportion of such assessments or determinations aforesaid, and after certifying the same, under their hands, and filing a true copy thereof in the office of the clerk of the county of Sussex, there to remain of record, they shall retain the original in their possession, during their continuance in office, and upon the expiration of such time, deliver the same to their successors in office, which return shall be received as evidence of each persons possessions, and all assessments and votes shall be made and given thereby.

To remove
obstructions
in Paulings
Kill

Sec. 3. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered to remove all obstructions in said Paulings Kill, and to widen, straighten, and deepen the channel thereof, and to form a new channel where it may be necessary so to do, from the junction of the said east and west branches downward, toward said Lafayette mills, till a sufficient outlet and fall is obtained, so that when opened, and each of the said branches shall be cleared out, the owners of said land will be enabled effectually to drain the same; and to take, use, occupy and possess a sufficient portion of land adjoining each or either bank on which to lay the rocks, stones, earth, gravel and other substances, that may be removed from the channel so formed; and to have free ingress and egress for themselves, and their teams and workmen through any part of said lands, when necessary for the said purpose; and to contract with the owner or owners of the said lands so to be used, for the damage they may sustain by reason thereof; and in case of disagreement between them, either party may apply to one of the judges of the court of common pleas of said county, not interested in said lands, whose duty it shall be, upon ten days notice given by him to each of the parties, to appoint, at the time and place mentioned in said notice, three indifferent freeholders in said county, who shall proceed in the manner provided for in the fourth section of this act, to value and appraise the damages aforesaid, and on the amount of such valuation or appraisal being paid or tendered to the owner or owners of said land, so to be used and occupied, as aforesaid, by the said managers, or their successors, it shall be lawful for them to use the said lands for the purposes aforesaid, without the interruption or hindrance of such owner or owners.

Proceedings
respecting da-
mages

Sec. 4. *And be it enacted*, That if the said managers and their successors, or a majority of them, shall find it necessary or proper, in the prosecution of said works, to remove any mill dam, or other erection or improvement, it shall be lawful for them from time to time and as the necessities of the case

shall require, so to do, and to the end that every person or persons receiving any damage or injury by any such removal shall be fully compensated for such damage or injury, it shall be lawful for the said managers, or their successors, or a majority of them, to treat and agree with the person or persons sustaining such damage or injury, on the sum or sums to be paid for the same, and in case no such agreement can be made, it shall be lawful for either of the said managers, or their successors, or the person or persons claiming compensation for such damage or injury, to apply to one of the judges of the court of common pleas of said county, not interested in the premises, and indifferent between the parties, who, upon ten days notice in writing, given to the other party, shall, at the time and place mentioned in said notice, proceed to nominate and appoint in writing, under his hand and seal, three disinterested freeholders of said county of Sussex, to ascertain and determine the sum or sums which ought to be paid to the person or persons claiming compensation for such damage or injury, which freeholders so nominated and appointed, shall take an oath or affirmation, truly and honestly to examine and determine the controversy submitted to them, and shall hear the parties, and their proof respectively, at such time or times, place or places in the said township of Newton, as the person so appointed shall fix on for that purpose, and they, or if they cannot all agree, a majority of them shall determine, what sum or sums ought to be allowed, and paid to the person or persons claiming compensation for such damage or injury, which determination shall be made in writing, and signed by the persons who shall determine the same, which shall be filed in the clerk's office; and it shall thereupon be the duty of the said managers and their successors to pay the sum or sums so determined on, to the person or persons found entitled thereto, as a compensation for their damage or injury out of any moneys then in or hereafter to come to their hands, under and by virtue of the provisions of this act; and until the same, whether fixed by agreement or award, be actually paid, such sum shall carry interest, and be a lien on the lands intended to be benefitted by draining, as aforesaid, in the nature of a mortgage.

Sec. 5. *And be it enacted*, That it shall and may be lawful for said managers, and they are hereby authorized and empowered to assess and collect from the several owners and possessors of swamp and bog meadow as aforesaid, all such sum or sums of money as may be necessary to defray the expenses incurred as aforesaid, and all other expenses incident to the above proceedings, in the proportions herein before provided for.

Expenses to
be paid by
owners pro
rata

Managers to
collect money
assessed

Sec. 6. *And be it enacted,* That it shall be the duty of the said managers, and they are hereby authorized and empowered from time to time, and at all times, when it shall be necessary to clear out any obstructions in the said Paulings Kill, within the limits herein before particularly mentioned, so as to enable the owners of said land always to drain the same, and to assess and collect, as aforesaid, from time to time, all such sum or sums of money as may be necessary to defray such expenses.

Amount of
assessments
recoverable in
law

Sec. 7. *And be it enacted,* That if any of the said owners or proprietors shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of four weeks, after notice to him, her or them, given or left at their place of abode, it shall and may be lawful for the said managers to recover the amount thereof, in an action of debt, in any court having cognizance thereof, and to give the said assessment, and this act in evidence, and on proof of such demand having been made as aforesaid, the court in which, or the justice before whom, such action may be brought, shall give judgment for the sum so assessed, with interest and costs of suit.

Meadows a
lien for mo-
ney expended

Sec. 8. *And be it enacted,* That for the security of moneys expended or to be expended or assessed by virtue of this act, all the swamp and bog meadow land aforesaid, shall be a pledge for the payment thereof, or for such owner or possessors share thereof, into whose hands, soever the same may come, notwithstanding any judgment, execution, sale, or alienation thereof; *Provided,* that no other property of the defendant, except the said swamps and bog meadow land and the produce thereof, shall be in any way liable, and that no execution shall issue against the body of said delinquent owner, for any such assessment, or any costs arising thereon; and the said managers may, for the recovery of the sum or sums of money so assessed, and for the said debt, interest and costs, after judgment is obtained as aforesaid, enter upon and take the rents, issues, and profits thereof, or sell or dispose of the wood, timber, grass, hay or grain thereon, or may sell by public vendue, for a year, or term of years, the said land of such delinquent owner or possessor, and make a good and valid lease for the same, during such term, taking care to sell the same for the shortest period of time, that will raise the so unpaid sum or sums, with interest and costs as aforesaid, and it shall be the duty of the said managers or a majority of them to give at least three weeks previous notice, in three of the most public places in the neighborhood of said land, by advertisement, before they proceed to sell or lease the property of any delinquent owner or possessor.

Sec. 9. *And be it enacted,* That after the said managers shall have completed the clearing out of the Pauling's Kill, and the removal of obstructions in the same, below the junction of the east and west branches of the same, according to the provisions of the third and fourth sections of this act, then it shall be their duty, and they are hereby invested with full power and authority to remove all obstructions from the said west branch of said Paulings Kill, from the junction of said east and west branches to the great or big spring in said meadow, also the said east branch as far up as the said owners and possessors of the meadows thereon shall elect and determine, and to widen, deepen and straighten the said branches, as to them shall seem, from time to time, expedient and necessary to keep the same open, and the flowage thereof clear of obstructions, so as continually to drain the meadows on the said west branches respectively; and the said managers shall assess and collect, in the manner provided for in the fifth section of this act, from the several owners and possessors of the meadows and swamp lying and being on the said west branch, exclusively, all such sums of money as may be necessary to pay the expenses of making such improvements aforesaid on that branch, and from the several owners and possessors of the meadows and swamps lying and being on the said east branch, exclusively, all such sums of money as may be necessary to pay the expenses of making such improvements aforesaid, on the said east branch, and for that purpose the said managers shall have the same powers, and the said lands, and the owners and possessors thereof, shall be liable for the said assessments, in the same manner as is herein before granted and provided.

Obstructions
to be removed

Sec. 10. *And be it enacted,* That the said managers shall find and provide, at the expense of the said company, a suitable book, in which shall be entered by said managers, all assessments by them made as aforesaid, keeping the assessments provided for in the fifth section of this act, and those provided for in the ninth section for each of said branches, separate and distinct from each other; and shall, at every annual meeting, produce and lay before the said company the same, for the inspection of the different owners and possessors, and shall produce and show the same to any of the said owners and possessors, at any seasonable time when thereto required, and shall also provide, at the expense of said company, another suitable book, in which the said managers shall enter all their proceedings, and a just and true account of all the moneys they shall receive and expend, or lay out in the duties aforesaid, keeping their accounts of moneys laid out below the junction of the east and west branches

Books to be
kept and open
to inspection

Monies reco-
verable

aforesaid, and of those laid out in clearing the said east and west branch, separate and distinct from each other, in the same manner as the assessments for the said different purposes are kept; and the said managers, shall, at every annual meeting produce and lay the same before the said company, with fair vouchers for all moneys by them received and expended by virtue of this act: and shall deliver the balance or balances, if any there be remaining in their hands, together with the books and all other necessary papers, to their successors in office, and on default thereof, and for every neglect on their part of the several duties prescribed by this act, they, the said managers, shall forfeit and pay for a breach of their trust, or neglect of duty, the sum of fifteen dollars, to be sued for and recovered before any court of competent jurisdiction, in an action of debt, by any one of the said owners or possessors who may prosecute for the same: and they shall also be liable to pay all damages that may arise from such neglect, to be sued for by any person injured or aggrieved thereby: and the said managers shall be accountable for any moneys remaining in their hands at the end of every year, and if the said managers shall refuse to pay such balance or balances in their hands to their successors, then their successors shall sue for and recover the same, in an action of debt, with costs of suit.

Penalty for ob-
structing the
flow of water

Sec. 11. *And be it enacted*, That if any person or persons shall wilfully place or cause to be placed, in either of the streams, authorized to be cleared and improved, as aforesaid any obstruction, or any thing which shall, either temporarily or permanently, impede the flow of water in the said streams, or either of them, such person or persons, shall, for every such offence, forfeit and pay the sum of twenty dollars, together with all damages, to be sued for and recovered in an action of trespass, in any court, or before any justice having cognizance of the same, with costs of suit, to be applied to the general purposes of the said company; and the managers for the time being, are hereby enjoined and authorized to prosecute the same.

Passed, March 1, 1836.

AN ACT to authorize Henry Powell, executor of Henry Powell, deceased, to execute a certain contract made with James Diamant, of the county of Cumberland, for the sale of real estate.

WHEREAS it is represented to the Legislature, that Henry Powell, deceased, late of the township of Fairfield, in the county of Cumberland, in this state, did in his life time, make an agreement with James Diamant of the township, county, and state aforesaid, to sell and convey to the said James Diamant, the undivided one half part of a tract of land of about three hundred acres, situate in the township of Millville, in said county of Cumberland, adjoining lands of Isaac N. Adcock, Horace Elmer, and others, and gave the said James Diamant possession of the said tract of land, who still has possession of the same, but no conveyance has ever been executed for the same, and the said Henry Powell, having since departed this life, leaving issue under the age of twenty-one years, no deed can now be executed without legislative aid; and whereas the executor of the said Henry Powell, deceased, has by his petition requested that he be empowered to make a deed to the said James Diamant for the tract of land aforesaid—therefore,

Preamble.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Henry Powell, executor of Henry Powell, deceased, be and he is hereby authorized and empowered to execute and deliver to the said James Diamant, a deed for the one undivided half part of the said tract of land and premises, pursuant to said agreement, which deed shall have the same force and effect, as a deed from the said Henry Powell, in his life time, would have had.

Executors authorized to make a deed of certain lands to James Diamant

Passed, March 1, 1836.

AN ACT for the relief of the legatees of Benjamin Thompson, deceased, late of the county of Salem.

Preamble.

WHEREAS by the last will and testament of Benjamin Thompson, deceased, late of the county of Salem, it was amongst other things directed, that the money which should remain from the sale of his real and personal estate, after payment of his debts, should be "equally divided among his grand children as follows: Isaac Thompson, son of Isaac Thompson, deceased, Elizabeth Lambert, Mary Lambert, Benjamin Lambert, William C. Lambert, Joseph Lambert, and Isaac Lambert, when they shall arrive, to wit, the boys to the age of twenty-one years, and the girls to the age of eighteen years; and if any of the said children should die before they arrive at the ages above specified, their share to be equally divided among the survivors;"—*And whereas*, it is represented that Isaac Thompson, one of the said heirs, left the state of New Jersey, in the year eighteen hundred and nine, then about six years old, and that he has not been heard of, for twenty-six years, and is believed to have died under age and without issue; *And whereas*, the surviving children named in said will, have petitioned the Legislature to pass an act authorizing the executors of William Lambert, who was an executor of the said Benjamin Thompson, deceased, to pay over to the said surviving heirs named in said will, the money due to the said Isaac Thompson, deceased, and the acting executor of said will, having united with the said petitioners, and desired the passage of such act according to the prayer of the said petitioners, and for the better security of the said executors, and it appearing that such law would enable the said executor to carry into effect the wishes of the said testator—therefore,

Executors authorized to pay monies to heirs of Isaac Thompson

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Stacy Loyd and Daniel Garrison, executors of the last will and testament of William Lambert, deceased, who was executor of Benjamin Thompson, deceased, late of the county of Salem, or either of them, be hereby authorized and empowered to pay unto such of the heirs, named in the said last will and testament of the said Benjamin Thompson, as are now living, and of lawful age to receive the same, his, her, or their equal and just proportion of whatever money now remains in the hands of the said executors or either of them, as the share of Isaac Thompson,

under the will of his said grand father Benjamin Thompson, deceased, and to which the said Isaac Thompson would be entitled, if now living, to claim the same, and in case any of the said children are under age, then the share of such minor to be paid over to him or, her, whenever such minor shall have attained lawful age.

Sec. 2. *And be it enacted*, That before the said several shares of the money aforesaid, or any or either of them shall be paid, it shall be the duty of such executor or executors, to exact and take of and from the person to whom the same is payable, a bond with sufficient freehold security, in double, the amount of the share due, conditioned for the repayment of such amount, with interest, if the same should ever be claimed by the said Isaac Thompson or his heirs, which bond shall be made payable to the said executors, the survivor of them or the executors or administrators of such survivor, and shall be held for their indemnification and security.

Heirs to give bond

Sec. 3. *And be it enacted*, That nothing in this act shall be meant, intended or construed, to change, alter, or divest any right or interest vested under said will, in the said Isaac Thompson, to the distributive share of the money therein bequeathed, should he be living to claim the same, or should he have left lawful issue entitled thereto.

Claim of J. Thompson or issue not affected

Passed, March 1, 1836.

AN ACT to dissolve the marriage contract between James Angus and Ann his wife.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between James Angus and Ann his wife, of the county of Essex, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony.

James Angus and Ann Angus divorced

Passed, March 1, 1836.

**AN ACT to encourage the growth of Thorn Hedges in
this State.**

**Fences may
be made**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all the inhabitants of this state who have already planted, or shall hereafter plant, any thorn hedges, for fencing, upon the line of any public highway in this state, of three rods or more wide, shall be authorized to erect and keep up, for any period, not exceeding six years from the time of planting such hedge, a fence of such kind as he or she may choose, in front thereof, at the distance of four feet from such hedge; out into the public highway, for the protection and preservation of such thorn hedge or hedges, and it shall not be lawful, at any time within the said period of six years, for any overseer or overseers of the highways, or any other person or persons, to take up, remove, break down, destroy, or in any manner injure the said fence, so erected as aforesaid.

**Earth not to
be removed**

Sec. 2. *And be it enacted,* That it shall not be lawful for any overseer or overseers of the highway, or any other person or persons, at any time after the passing of this act, to plough, dig, or otherwise turn up or remove any earth or soil, within four feet of any thorn hedge now growing, or which shall hereafter be planted upon the line of any public highway in this state, whether the fence authorized in the first section of this act be put up or not.

**Penalty for
violating this
act**

Sec. 3. *And be it enacted,* That if any person or persons shall offend against the provisions of this act, or shall wilfully injure, dig up, or otherwise deface or destroy any thorn sets or hedges now growing, or hereafter to be planted, or fence erected for their protection, in this state, the person or persons so offending shall, for each and every such offence, forfeit and pay the sum of thirty dollars, to be recovered by an action of debt, by the person injured, in his own name, in any court of competent jurisdiction in this state with costs, and in addition to such penalty, shall be liable to all damages to the party injured.

Passed, March 2, 1836.

A SUPPLEMENT to the Charter of the Morris and Essex Rail Road Company, passed January twenty-ninth, eighteen hundred and thirty-five.

WHEREAS, by an act of the legislature of this state, passed January twenty-ninth, eighteen hundred thirty-five, entitled "An act to incorporate the Morris and Essex Rail Road Company," it is provided in the sixth section, that the president and directors of said company be authorized and invested with all the rights and powers necessary and expedient, to survey, lay out and construct a rail road or lateral roads, from one or more suitable place or places, in the village of Morristown, to intersect one or more suitable place or places, in the rail road known by the name of the New-Jersey Rail Road and Transportation Company, at Newark, or at Elizabeth-town, in the county of Essex, or between those places, not exceeding sixty-six feet wide, with as many set of tracks and rails as they may deem necessary; *And whereas*, the said Morris and Essex Rail Road Company have, by their memorial, expressed doubts whether the power is given them to construct branch or lateral roads and tracks from places between Morristown and the New-Jersey Rail Road, to intersect the Morris and Essex Rail Road, at a point between Morristown and Newark—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That full power and authority be, and it is hereby given, to the said Morris and Essex Rail Road Company, to construct a lateral or branch rail road as follows, viz. from Whippany, in Morris county, to intersect the main line of said rail road, at any convenient point, at or near Madison or Chatham, passing through or near the village of Hanover or Columbia, or both, or by such other route as said company may deem expedient.

Power given to construct lateral road

Sec. 2. *And be it enacted,* That it shall be lawful for the said Morris and Essex Rail Road Company, to construct a branch or lateral rail road or rail roads, from some suitable and convenient point or points of their main road, and leading thence to the iron works upon Rockaway river, at or near Boonton or Powerville; and also to construct as above said lateral or branch rail roads from Denville, Rockaway, and Dover, or from any of those places, so as to connect them with the Morris and Essex Rail Road, at some con-

Other lateral roads may be constructed.

venient point or points; and to enable said company to effect the objects before expressed, they are hereby invested with all the rights, powers and privileges given and granted by the aforesaid act, entitled "An act to incorporate the Morris and Essex Rail Road Company." and said company shall be subject to all the restrictions, limitations, conditions, and provisions, in the said act contained, in the same manner and to the same effect, as if the said company had been originally authorized by said act to construct all or any of the before mentioned roads.

Capital stock
may be enlarg-
ed

Sec. 3. *And be it enacted*, That to enable the company aforesaid to construct the several rail roads before mentioned, or such of them as shall seem to be of public utility, and beneficial to the company, it shall be lawful for the president and directors thereof, to enlarge their capital stock, by adding to the sum first authorized, two hundred and fifty thousand dollars, to be subscribed in such manner and at such time or times, and at such place or places, as they may deem expedient and proper; separate subscriptions may be opened, separate stock may be created, and accounts be opened and kept for each road, or the whole be blended in one general fund, as the company by their officers shall direct.

Line of road
may be varied

Sec. 4. *And be it enacted*, That the aforesaid company be, and they hereby are authorized and empowered, to vary the line of their road, as first surveyed, and recorded in the office of the secretary of state, at such places and points, as in the opinion of their engineer may best promote the public convenience, and the interest of the stockholders; *Provided always*, that such variation shall first be approved and sanctioned, by a suitable and disinterested inspector, appointed for that purpose, by the court of common pleas of the county wherein the lands may lie, a certificate of whose appointment and approval shall accompany the official return and survey of such alteration, to be recorded in the office of the secretary of state.

May be divid-
ed into dis-
tricts

Sec. 5. *And be it enacted*, That for the sake of greater facility and despatch in constructing the aforesaid roads, and allowing reasonable time and opportunity to explore the more difficult passes, it shall be lawful for said company to divide the whole line into two or more districts; making distinct and separate surveys and returns of each district, when selected, and said company shall make a connected map or plot of the whole line of road, when finally settled, to be deposited and recorded in the office of secretary of state; and whenever a survey of any district shall be completed, said company shall be authorized to proceed and obtain titles for lands to be occupied by the road in said district, and to construct the

road therein as fully as though the location of the entire line were made.

Sec. 6. *And be it enacted*, That the twentieth section of an act to incorporate the "Morris and Essex Rail Road Company," passed the twenty-ninth day of January, eighteen hundred and thirty-five, be, and the same is hereby repealed. Part of former act repealed

Sec. 7. *And be it enacted*, That no part of the funds authorized to be raised by this supplement, or of the funds raised or to be raised by the charter to which this is a supplement, shall be used for banking or other purposes, not plainly indicated by this supplement, or by the act to which this is a supplement, and that the legislature reserve to themselves the right to alter or amend this supplement, or the act to which this is a supplement, whenever the public good may require it. Restrictions on employment of capital

Passed, March 2, 1836.

AN ACT to repeal an Act to regulate the fishing with seines, in Barnegat Bay, north of Barnegat Inlet, in the county of Monmouth, passed February second, eighteen hundred and thirty-three.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act to regulate the fishing with seines in Barnegat bay, north of Barnegat inlet, in the county of Monmouth, passed the second day of February, eighteen hundred and thirty-three, be, and the same is hereby repealed. Former act repealed

Passed, March 2, 1836.

AN ACT to incorporate the Belvidere Delaware Rail Road Company.

Style of Incorporation.

Powers of company.

Amount of capital stock

Books of subscription for stock to be opened.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John Kinney, junior, Jeremy Mackey, Chapman Warner, Nelson Jay, Adam Butz, George Green, Peter Kleinhans, John M. Sherrerd, John Young, Enoch Green, Philip Fine, Benjamin Riegal, Charles J. Ihrie, Hart Johnson, George Carpenter, William Green, Cornelius Ludlow, Daniel Vansyckle, Henry Quin, John Lilly, Wilson Bray, Joseph Titus, Thomas L. Woodruff, William L. Hoppock, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact, name, and law, by the name of "The Belvidere Delaware Rail Road Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be capable in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, taking, holding and conveying any lands, tenements, hereditaments, goods and chattels whatsoever, necessary or expedient to carry into effect the objects of this incorporation.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall be five hundred thousand dollars, with liberty to increase the same to double of that amount; and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferrable on the books of said company, in such manner as the said corporation shall by their by-laws direct.

Sec. 3. *And be it enacted,* That the above named persons or any five of them, shall open books to receive subscriptions to the capital stock of said corporation at such time or times and places, as they or a majority of them may deem proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same, in one of the newspapers printed at Belvidere, and in another printed in the county of Hunterdon; and that the said books shall be kept open, three days, and as much longer as the said persons or a majority of them shall think proper; and if more subscrip-

tions be taken than the amount of the capital stock, it shall be in the power of said persons, or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation.

Sec. 4. *And be it enacted*, That at the time of subscription for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose nine directors; and such election shall be by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock, not exceeding fifty, entitling the holder thereof to one vote; and one vote for every two shares above fifty and under one hundred and fifty shares, and one vote for every five shares above one hundred and fifty until the votes amount to two hundred; and no stockholder shall be entitled to more than two hundred votes at any election as aforesaid; and the said persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies, may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president, *pro tempore*, who shall have such power and functions as the by-laws of the said corporation shall provide.

Time and mode of election of first directors.

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day, when, pursuant to this act it ought to be made, the said corporation shall not, for that cause, be deemed dissolved, but such election may be held at any subsequent time, upon notice given for that purpose; and the directors for the time

Corporation not dissolved for failure to elect on day prescribed.

being shall continue to hold their office until new ones shall have been chosen in their places.

Stock forfeited
on failure to
pay instal-
ments

Sec. 6. *And be it enacted*, That five directors of said corporation shall be a quorum of the board of directors, competent to transact all business of the said corporation, and they shall have power, giving notice thereof as aforesaid, to call in the capital stock of said company; by such instalments, and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares on which such default shall arise: and to make and prescribe, such by-laws, rules, and regulations, touching the management and regulation of the stock, property, estate and effects of the said corporation, and transaction of their business, as to them shall appear needful and proper, not repugnant to the laws of this state or the United States; and also to appoint, a secretary, treasurer, and such and so many clerks, agents, and servants, as to them shall seem meet and proper, and to establish and fix such salaries or compensation for services to them, and also to the president, as to the board of directors shall appear proper; *Provided*, that not more than five dollars be required to be paid on each share at any instalment, and such instalments be not required at shorter periods than thirty days from each other.

Location of
rail road.

Sec. 7. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a rail road, commencing at any point in the town of Belvidere, and from thence following the river Delaware, and as near thereto as the situation of the ground will admit of, until it terminates at the head of the feeder of the Delaware and Raritan Canal in the county of Hunterdon, or to be extended to the city of Trenton, as hereinafter directed, if thought more advisable to said directors or a majority of them, which said rail road shall not at any point between the commencement thereof and Bull's island be more than two miles distant from the river Delaware, shall be so constructed as not to exceed sixty-six feet wide, with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors of said company, their agents, engineers, superintendents, and others in their employ to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such rail road, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when

the route or routes of such road shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and others, persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails and to do all other things which shall be suitable or necessary for the completion or repair of the said road, and may also take and use any stone, gravel, sand, clay or other earth on or near the said route, which may be required for the construction of, repairing altering or extending the said rail road or any of its works or appendages, subject to such compensation as is hereinafter provided; *Provided always*, that the payment, or tender of the payment of all damages for the occupancy of lands through which the said rail road may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Sec. 8. *And be it enacted*, That if the owner or owners of the land on which said rail road or rail roads shall be made, shall not be willing to give the same for such purpose, and the said company and owner or owners cannot agree as to the price of the same, a particular description of the land or materials so required for the use of the said company in the construction of the said road or roads, and the name or names of landholders and their place of residence, if known shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, to one of the judges of the inferior court of common pleas of the county or counties in which said road may run, who is disinterested in the premises, and after giving ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners residents of the county or counties, to assess the price or value of said land, and damages and materials taken, who shall be sworn or affirmed before said judge faithfully to execute the duties of such appointment, and after like notice to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land and the quantity taken, by whom owned, and how situated, bounded and described, in writing,

Proviso.

Proceedings
when compe
ny and owners
of land can.
not agree

under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which the land is situated, there to be kept as a public record, and copies taken by either party if required; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county in which the land is situated, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party of such appeal, which proceedings shall vest in the said court full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury if required to view the premises and to assess the value of said lands, and all damages sustained, and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given with cost, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners of said land, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Value of lands paid into the court of chancery in certain cases

Sec. 9. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of said corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper cost and charges of the said corporation.

Other roads not to be obstructed.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said rail road where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road

shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same.

Sec. 11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons, or any species of property thereon, as they may think reasonable, expedient, or right, provided they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road, or six cents per mile, for carrying each passenger on said rail way, in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said rail-ways in the carriages of others, and three cents per mile for each empty carriage; and that the rail road and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act.

Rates for passage and transportation.

Sec. 12. *And be it enacted*, That the president and directors shall, within one year after the said rail road shall have been completed, declare and make such dividend as they may deem prudent and proper, of the net profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Dividends to be made semi-annually.

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act, by the said company, or any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further shall be liable for all damages.

Penalty for injuring road or works.

Sec. 14. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, or as near thereto as they can conveniently procure the same, and at such intermediate points as the direc-

What real estate may be held

tors shall think proper, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and construction of carriages, and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Rail road a
public high-
way.

Sec. 15. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act: *Provided always*, that the said carriages, so used thereon, shall be of the same description in the formation of the wheels, and length of axle, as those used by the company, and shall be so regulated, as to the time of starting, and rates of travelling, as not to interfere with the carriages of the company.

Cost of road
to be filed with
Secretary of
State.

Sec. 16. *And be it enacted*, That as soon as the rail road with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of cost of said road, including all expenses, in the office of the Secretary of State, and annually thereafter, the president and treasurer of said company, shall, under oath or affirmation, make a statement to the Legislature of this state, of the proceeds of said road, until the net income of said road shall amount to six per centum upon the amount of its costs; and as soon as the net proceeds of said rail road shall amount to six per centum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year: *Provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

When tax to
be paid

Sec. 17. *And be it enacted*, That at any time after the expiration of twenty-five years, from the completion of the said road, the Legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state, for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the Legislature, within one year of the time of their appointment; or if they cannot agree, they shall choose a seventh, who with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after their said appointment by the Chief Justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six com-

missioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said Chief Justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid; and thereupon the state shall have the privilege for two years of taking the said road, upon the payment to the company of the amount of said report, within one year after electing to take said road; which report shall be filed in the office of the Secretary of State, and the whole property and interest of said road and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount, so reported, to the said company; and that it shall be the duty of the president of the said company, to lay before the Legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road, and of all the receipts and disbursements of the company; *Provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of the stock; and the valuation of said road shall in no case exceed the first cost or valuation of said road, with the appendages thereof. Proviso.

Sec. 18. *And be it enacted*, That if the said rail road shall not be completed, and in use, at the expiration of ten years from the fourth day of July next ensuing, that then and in that case this act shall be void. Time limited for completion of road.

Sec. 19. *And be it enacted*, That the Legislature of this state shall have the right to subscribe for stock of the said company, to the amount of one hundred thousand dollars, at any time before, or within twelve months after the said road is commenced. Legislature may subscribe for stock.

Sec. 20. *And be it enacted*, That the said company may hereafter construct and extend the said rail road from the head of said Delaware and Raritan Canal Feeder to the city of Trenton, tracing along upon the embankment of said Canal Feeder as near as may be; *provided always*, that the said rail road shall not be so constructed or extended as aforesaid until the consent of the said companies of the Delaware and Raritan Canal and the Camden and Amboy Rail Road, or their successors or assigns, be first had to the same under the hands and seals of the president and secretary thereof, setting forth the assent of the directors of said companies, which assent shall be filed in the office of the secretary of this state, there to remain of record. Rail road may be extended to Trenton.
Proviso

Sec. 21. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such, in all courts and places whatsoever: and no part of the funds of this company, shall be used for banking or other pur- Restrictions

Act may be
altered or mod-
ified.

poses, not plainly indicated by the provisions of this act ; and that the Legislature reserve to themselves the right to alter, amend, or modify this act whenever they think proper.

Passed, March 2, 1836.

A SUPPLEMENT to the Act entitled "An Act to regulate the repacking of Beef and Pork, for exportation," passed the second of September, A. D. eighteen hundred and two.

Extra mess
beef may be
packed and in-
spected.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for any person or persons to put up or pack beef for ship stores, or exportation, under the denomination of extra mess-beef, if the same shall be of the quality, and assorted in manner hereinafter specified, to wit: the best pieces, without hocks, shanks, or necks, of oxen or steers, well fattened, and weighing, at least, six hundred pounds, exclusive of the hide and tallow, and shall be repacked in the same manner as is directed in the act to which this is a supplement, and shall be branded "New Jersey extra mess-beef," and the initials of the inspector's christian name, and his surname at full length, together with the name of the place where repacked.

Sec. 2. *And be it enacted,* That any person or persons repacking, as aforesaid, shall be liable to all the forfeitures and penalties, and entitled to all the fees which are contained and directed in the act to which this a supplement.

Passed, March 2, 1836.

AN ACT to incorporate the Dennisville Glass Manufacturing Company, in the County of Cape May.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That Nathaniel Holmes, Amos C. Moore, Samuel Mathews, Richard S. Ludlam, Christopher Ludlam, Eleazar Crawford and Morris Beasely, and such other persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate, in fact, name and law, by the name and style of "The Dennisville Glass Manufacturing Company," for the purpose of establishing and carrying on manufactures of window glass, and all other articles of glass ware incidental to a glass manufactory, on the north side of Dennis's creek, at or near the village of Dennisville, in the county of Cape May, in this state; and by that name they and their successors and assigns shall and may have continued succession, and be persons capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, causes, complaints, and matters whatsoever; and may have and use a common seal, and make, alter, change and renew the same at pleasure; and shall be vested with all the powers incidental to a corporation, and necessary for the objects aforesaid, and by that name and style shall be capable of purchasing, holding, using and conveying any estate real or personal, for the use of the said corporation; *Provided*, that the real estate so to be purchased or holden by the said corporation, shall be such only as may be necessary for the purposes of carrying on or promoting the manufacturing operations for which this incorporation is established, and such other as shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealing, or purchased by them at sales upon executions in their favour.

Style of incorporation.

Sec. 2. *And be it enacted,* That the capital stock of the said incorporation shall be thirty thousand dollars, which shall be divided into shares of twenty-five dollars each, but it shall nevertheless be lawful for the said incorporation, when, and so soon as two thousand dollars of the said capital stock shall have been subscribed and paid, to commence the said business; and with that capital, conduct and carry it

Amount of capital

Stock forfeited
on failure to
pay instal-
ments.

Books to be
opened for sub-
scriptions for
stock.

Time and
mode of annu-
al election of
directors.

on, until they shall find it expedient to extend their capital, which the president and directors of said company are authorized to do from time to time, by receiving new subscriptions to their capital stock, to the amount herein before mentioned, and it shall and may be lawful for the president and directors of said company for the time being, to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times, and in such proportions, as they shall deem proper, upon pain of forfeiting the shares of said stockholders, on which default shall be made, and all previous payments thereon, if such payments shall not be made within sixty days after notice, requiring such payment, shall have been given in one or more newspapers circulating in the county of Cape May, in this state.

Sec. 3. *And be it enacted*, That Nathaniel Holmes, Amos C. Moore, Samuel Mathews, Richard S. Ludlam, Christopher Ludlam, Eleazar Crawford and Morris Beasely, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of the said corporation, in the first instance, at some suitable place in the county of Cape May, upon giving twenty days notice in one or more of the newspapers circulating in said county, of the time and place of opening such books, and also, of the amount of the first instalment, then to be paid; and as soon as stock to the amount of two thousand dollars shall be subscribed, it shall be the duty of the said commissioners to give a like notice for the meeting of the stockholders, to choose five directors; and the said commissioners shall be inspectors of the first election of directors of said company, and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities received for subscriptions; and the said commissioners shall appoint the time and place of holding the first meeting of directors.

Sec. 4. *And be it enacted*, That the stock, property, business and affairs of the said corporation shall be managed and conducted by five directors, who shall at all times during their continuance in office, be citizens of the United States, and stockholders in the said company, in their own right, and the said directors shall be elected on the first Monday in April in each year, and shall hold their offices for one year, and until others shall be elected in their stead, which election shall be held at such hour of the day, and at such place as the board of directors for the time being, shall appoint, under the inspection of three stockholders, not being directors, to be appointed by the board of directors, previous to every such election, and such election shall be made by ballot, and by a

plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of said stock, but no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election; of which election public notice shall be given, in two of the newspapers printed in this state, and circulating in said county, at least twenty days next preceding such election; and the said president shall cause a notice to be inserted in one or more of the newspapers circulating in the county where the corporation is established or carried on, and continued therein for at least four weeks, stating the names of the persons appointed directors for the ensuing year.

Sec. 5. *And be it enacted*, That if it should at any time happen, that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day, to hold and make an election of directors, in such manner as shall have been prescribed by the by-laws of the said corporation.

Corporation
not dissolved
for failure to
elect on
prescribed day.

Sec. 6. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall as soon as may be after their election, meet and proceed to choose one of the said directors to be president, who shall preside until the next annual or other election to be holden thereafter, and in case of the death, resignation, or inability to serve, of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year, or until the next election, by the directors, for the time being, or a majority of them; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide.

President
chosen.

Vacancies
filled.

Sec. 7. *And be it enacted*, That the said president and directors, for the time being, or a majority of them, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation; the management and conducting the business of the said corporation, and all matters appertaining thereto; the transfer of shares of the stock, the election and meetings of the directors, the powers and conduct of the officers and workmen of said corporation; and such by-laws, rules and regulations, at

Powers and
duties of
directors.

Stock forfeited
on failure to
pay instal-
ments.

Books to be
opened for sub-
scriptions for
stock.

Time and
mode of annu-
al election of
directors.

on, until they shall find it expedient to extend their capital. which the president and directors of said company are authorized to do from time to time, by receiving new subscriptions to their capital stock, to the amount herein before mentioned, and it shall and may be lawful for the president and directors of said company for the time being, to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times, and in such proportions, as they shall deem proper, upon pain of forfeiting the shares of said stockholders, on which default shall be made, and all previous payments thereon, if such payments shall not be made within sixty days after notice, requiring such payment, shall have been given in one or more newspapers circulating in the county of Cape May, in this state.

Sec. 3. *And be it enacted*, That Nathaniel Holmes, Amos C. Moore, Samuel Mathews, Richard S. Ludlam, Christopher Ludlam, Eleazar Crawford and Morris Beasely, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of the said corporation, in the first instance, at some suitable place in the county of Cape May, upon giving twenty days notice in one or more of the newspapers circulating in said county, of the time and place of opening such books, and also, of the amount of the first instalment, then to be paid; and as soon as stock to the amount of two thousand dollars shall be subscribed, it shall be the duty of the said commissioners to give a like notice for the meeting of the stockholders, to choose five directors; and the said commissioners shall be inspectors of the first election of directors of said company, and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities received for subscriptions; and the said commissioners shall appoint the time and place of holding the first meeting of directors.

Sec. 4. *And be it enacted*, That the stock, property, business and affairs of the said corporation shall be managed and conducted by five directors, who shall at all times during their continuance in office, be citizens of the United States, and stockholders in the said company, in their own right, and the said directors shall be elected on the first Monday in April in each year, and shall hold their offices for one year, and until others shall be elected in their stead, which election shall be held at such hour of the day, and at such place as the board of directors for the time being, shall appoint, under the inspection of three stockholders, not being directors, to be appointed by the board of directors, previous to every such election, and such election shall be made by ballot, and by a

plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of said stock, but no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election; of which election public notice shall be given, in two of the newspapers printed in this state, and circulating in said county, at least twenty days next preceding such election; and the said president shall cause a notice to be inserted in one or more of the newspapers circulating in the county where the corporation is established or carried on, and continued therein for at least four weeks, stating the names of the persons appointed directors for the ensuing year.

Sec. 5. *And be it enacted*, That if it should at any time happen, that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day, to hold and make an election of directors, in such manner as shall have been prescribed by the by-laws of the said corporation.

Corpo
not di
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elect
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Sec. 6. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall as soon as may be after their election, meet and proceed to choose one of the said directors to be president, who shall preside until the next annual or other election to be holden thereafter, and in case of the death, resignation, or inability to serve, of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year, or until the next election, by the directors, for the time being, or a majority of them; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide.

Presid
chosen

Vacanc
plied.

Sec. 7. *And be it enacted*, That the said president and directors, for the time being, or a majority of them, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation; the management and conducting the business of the said corporation, and all matters appertaining thereto; the transfer of shares of the stock, the election and meetings of the directors, the powers and conduct of the officers and workmen of said corporation; and such by-laws, rules and regulations, at

Powers
duties
rectors.

their discretion, to repeal, alter or modify; *Provided*, that such by-laws, rules or regulations shall not be repugnant to the constitution and laws of this state, or of the United States; and the board of directors, for the time being, or majority of them, shall have power to appoint a secretary and such and so many managers, foremen, officers, clerks and workmen, as they shall deem necessary, for the well conducting and carrying on their business, and regulate their services, wages and allowances, and may at their discretion remove and discharge from their employ any such manager, foreman, officers, clerks, workmen, or other persons, engaged in said business, and supply their places by the employment of others in their stead.

Stock personal property, and mode of transferring.

Sec. 8. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal property; and the shares of the stock in the said company shall be transferrable only on the books of the company, to be kept by the president and directors for that purpose, in the presence of the president or one of the directors, or the secretary of said company, in such manner as shall be prescribed by the by-laws of said company.

Books to be kept and open to inspection

Sec. 9: *And be it enacted*, That the president and directors shall at all times keep a book or books in which shall be entered all the proceedings of the stockholders at their annual or other meetings, and all the proceedings of the board of directors; and they shall also keep, at their manufactory, books of account, in which shall be regularly entered all the transactions and accounts of the said corporation; which books shall be subject at all times, in business hours, to the inspection of the stockholders of the company; and the president and directors shall from time to time, as to them shall seem meet, make and declare dividends of such parts of the clear profits resulting from the business of the said corporation, as they shall deem expedient.

Dividends to be made.

Restrictions.

Sec. 10. *And be it enacted*, That the corporation hereby created shall not engage in or carry on, or employ any part of their capital stock in banking operations, or any other purpose not clearly indicated by this act.

Limitation of act

Sec. 11. *And be it enacted*, That this act shall be and continue in force for the term of thirty years from the passing thereof, and from thence until the close of the next session of the legislature, and no longer; *Provided always*, that the legislature may at any time hereafter modify or repeal the same.

Act may be altered or repealed.

Passed, March 2, 1836.

A SUPPLEMENT to the act entitled an act to incorporate the Orange Bank, passed the twenty-sixth day of February, eighteen hundred and twenty-six.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the capital stock of "The Orange Bank" in the county of Essex" is hereby increased to the sum of three hundred thousand dollars; and the additional capital hereby created shall be divided into shares of fifty dollars each, in the same manner as provided in relation to the original capital in the act to which this is a supplement. Capita increa

Sec. 2. *And be it enacted,* That it shall and may be lawful for the directors of the said bank to appoint three of their own number as commissioners to open books of subscription at their banking house for the said additional capital; and the said books shall be kept open for three days during the regular hours of business; and due notice thereof shall be published in a newspaper printed in Newark, for the space of twenty days previous to opening the books of subscription as aforesaid, and five dollars on each share shall be paid at the time of subscribing therefor: *Provided,* that the stockholders of the original stock, shall be entitled to a preference in subscribing to one third of the said additional capital, *and provided also,* that if more than the required amount shall be subscribed, the said commissioners shall distribute the one third of the stock to and among the said original stockholders (if they shall subscribe for the one third thereof) and the two thirds of the said additional stock shall be distributed among the subscribers not being stockholders, in proportion to their several subscriptions. Books script new s be op
Distri new s

Sec. 3. *And be it enacted,* That the directors of the said bank shall equalize the value of the new stock to the old; by requiring payment on the new stock of the ratable proportion of the expenses of said bank in its organization and establishment, and an amount equal to the surplus profits on hand, if any there be, or by dividing a part, or the whole of the said surplus among the holders of the old stock. New be equ value

Sec. 4. *And be it enacted,* That the said directors may require payment on the said subscriptions, by instalments not exceeding five dollars on each share, at such times and manner as they, or a majority of them shall deem proper, under the penalty of the forfeiture of all previous payments thereon, and that thirty days previous notice of the time and place of payment of each instalment shall be published in a newspaper printed in the town of Newark. Stock on fail pay in ments

Privileges of
new stockhold-
ers.

owners of the said additional stock under and by virtue of this act, shall be a corporation created by the said act to which this is a supplement, and entitled to all the privileges and benefits of the original subscribers, and subject to all the provisions of the said act.

Passed, March 2, 1836.

AN ACT to authorize Francis W. Brinley, John Rutherford, junior, Lewis Leslie, and their associates, to build a draw bridge over the Rahway river, at or near the head of navigation.

Power given to
build a bridge
over Rahway
river.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the aforesaid Francis W. Brinley, John Rutherford, junior, Lewis Leslie, and their associates, to build a good and sufficient bridge over Rahway river, at or near a point, opposite the south line of the property late of John Rutherford, esq. and crossing to said line, with a suitable draw therein, of a sufficient width for the passage of vessels navigating the same.

Penalty for
leaving draw
open or injur-
ing bridge.

Sec. 2. And be it enacted, That if any captain of a vessel, or other person, shall open the draw of said bridge, and keep the same open, when not absolutely necessary for the passage of some vessel or boat through the same, or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, or shall remove, damage, or destroy any iron or stone work, belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge or draw, he, she, or they, so offending, shall, for each and every offence, forfeit and pay the sum of fifty dollars, over and above the damage done to said bridge or draw, to be recovered in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who will sue for the same.

Sec. 3. *And be it enacted,* That the boards of chosen freeholders, for the time being, of the counties of Essex and Middlesex, are hereby authorized, at any time when they may deem it expedient, to accept of the said bridge, as a gift from the associates, for the uses of the public; and that then it be maintained and repaired at the expense of the aforesaid counties of Essex and Middlesex, and shall, to all intents and purposes, become a county bridge.

Brid
give
publ

Sec. 4. *And be it enacted,* That in case it should become necessary for the protection of said bridge or draw, and the accommodation of persons passing over or through said bridge, to have the same put in the special care of some suitable person, then, and in that case, it shall and may be lawful for the aforesaid associates, or for the said board of chosen freeholders, as the case may be, to make such regulations as they shall deem necessary for the better protection and accommodation of the same; *Provided*, they be in accordance with the preceding sections of this act.

Brid
put
a sui
son.

Sec. 5. *And be it enacted,* That nothing contained in this act shall be so construed as to authorize any toll or other charge to be made for passing over or through said bridge, *and provided further*, if the said bridge is not built within two years from the passage of this act that then this law shall be null and void.

No to
charg

Passed, March 4, 1836.

AN ACT for the relief of Abijah Dodd, of the county of Essex.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to Abijah Dodd, of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of fifty dollars, to be paid to the said Abijah Dodd, annually, in quarterly payments, from the passing of this act, during the life time of the said Abijah Dodd, and the receipt of the

Pension
dollars
num to
Dodd.

the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed, March 4, 1836.

AN ACT to incorporate the Elizabeth Town Silk Manufacturing Company.

Style of incorporation.

Powers.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William Ross, George R. Chetwood, William Dayton, John J. Chetwood, and such other persons as now are or hereafter may be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Elizabeth Town Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, all fabric of which silk is a principal part, and dying, printing and bleaching the same; and that, by that name, they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares and merchandizes whatsoever, in this state, not exceeding fifty acres, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate, which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall*

have been obtained for such debts; *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used or employed at any time in banking operations, or for any other purpose or purposes inconsistent with the provisions of this act.

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the county, where such election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than five, shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall, at the same or some other time, elect an acting manager or managers, and such agents of the said company, as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, the secretary, managers, or agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or the major part of them, shall appoint.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when, and as soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or satisfactorily secured

same at pleasure to alter, and they and their successors by the same name and stlye shall be capable of purchasing, holding and conveying any real or personal estate necessary or expedient to the objects of this incorporation.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, with liberty to increase it to three hundred thousand dollars which shall be divided into shares of twenty-five dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct.

Books of subscription for stock to be opened.

Sec. 3. *And be it enacted*, That the above named persons shall be commissioners to open books to receive subscriptions to the capital stock of said corporation at such time or times and place or places as they or a majority of them may think proper, and keep the same open at least one day in each place, giving twenty days notice of the same in two of the newspapers published in the county of Burlington, two in the city of Camden, and one in the city of Philadelphia, and that at the time of subscribing, ten per centum shall be paid upon each share subscribed for, to the commissioners or some one of them, and as soon as two thirds of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders, to choose nine directors, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Time and mode of election of first directors.

President to be chosen.

Vacancies supplied:

Sec. 4. *And be it enacted*, That in case it should happen that

an election of directors should not be made during the day, when, pursuant to this act it ought to have been made, the said corporation shall not for this cause be deemed to be dissolved, but such election may be held at any other time, on notice as aforesaid; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the remaining capital stock of said company, by such instalments, and at such time as they may direct, by giving thirty days public notice in one or more newspapers published in Mount Holly and Camden; *Provided*, that no such instalment shall exceed five dollars on each share, and that no two instalments shall be required within thirty days of each other; and in case of the non-payment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company; and to make and prescribe such by-laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as to them shall appear needful and proper for the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint a secretary, a treasurer, and so many clerks and workmen as to them shall seem meet, and the same at pleasure to remove, and to establish and fix such salaries to them and also to the president, as to the said directors shall seem proper.

Stock forfeited
on failure to
pay instal-
ments.

Powers and
duties of direc-
tors.

Sec. 6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, from some suitable point in the town of Mount Holly, to pass on a line as direct as the nature of the country will admit, through or near the village of Moorestown, to some point on the Delaware river, within the limits of the city of Camden, not exceeding sixty-six feet wide, with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such rail road, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and

Location

When they
may enter on
lands.

Proviso.

a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *Provided always*, that the payment, or tender of the payment of all damages for the occupancy of lands through which the said rail road may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings
when compa-
ny and owners
of land can-
not agree

Sec. 7. And be it enacted, That if the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer, or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county where the lands may be situated, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county where the lands may be situated, commissioners to examine and appraise the said land, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the judge making such appointment, and it shall be the duty of the said commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in

question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, which shall be paid by the company, for such land, and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of the said road through any improved lands over which the same may run; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county where such land is situated, to remain of record therein, which report, or a copy thereof, certified by the clerk of the said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners, to recover the amount of said valuation, with interest and costs, in action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same, for twenty days after demand made of their treasurer, and shall from time to time, constitute a lien upon the property of the company in the nature of a mortgage; and either of the judges of the said inferior court of common pleas shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses, to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Sec. 8. *And be it enacted,* That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the judges of the inferior court of common pleas of the county, at the first or second term after the filing of the said report, by proceeding in the form of petition to the said court, which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck,

Appeals may be taken to court of common pleas and cases tried by jury.

and a view of the premises to be had, and the said issue to be tried at the next term of the said court to be holden in the county where such land may be situated, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same, or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing of the aforesaid report.

Other roads
not to be ob-
structed.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said rail road where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon-ways over or under said road, so that the way be passable; and that it shall be lawful for said company to construct the said rail road across any navigable waters within the line of said road, and they shall be at liberty to erect and build bridges over the same, so as not to obstruct the free passage of such boats and vessels as usually navigate the same; and further, if the said company shall build a bridge over the Rancocus creek, they shall put a draw in it of at least twenty-eight feet wide in the narrowest part, and to be placed in a line with the courses of the creek, over the best channel of the stream, in such position as to do the least injury to the navigation thereof, and shall at all times during the night time, from dark until day-light, keep a constant light at such bridge, and keep a suitable person to attend at the said draw, to hoist and lower the same for the free passage of all vessels with standing masts; and for each and every neglect to light the said lamp or lamps for one night, and to open said draw, the directors of the said company shall forfeit and pay the sum of ten dollars, to be recovered with costs in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect.

Sec. 10. *And be it enacted,* That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said rail road, all machines, engines, wagons, carriages, or vehicles for the transportation of persons, or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *Provided*, that they shall not charge more than at the rate of five cents per mile for the carrying of each passenger, nor more than ten cents per ton per mile for the transportation of every species of property, on said road, in the carriages of the said company, or three cents per mile per ton for property, or three cents per mile for each passenger carried on said rail road, in the carriages of others, and three cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any rail road carriage thereon with passengers or property upon payment of the tolls prescribed by this act; *Provided always*, that the said carriages, so used thereon, shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated as to the times of starting and rates of travelling by the company, in the same manner as the carriages of the company are; and the said rail road and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever, belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of the charter; *Provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case, this charter shall be annulled, and the title to the lands over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid.

Sec. 11. *And be it enacted,* That the president and directors shall, within one year after the said rail road shall have been completed, declare and make such dividend of the net profits thereof, as they may think proper, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

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What real estate may be held

Sec. 12. *And be it enacted,* That the said company may have and hold real estate at or near the commencement and termination of the said road, not exceeding two acres at each place; and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring road or works.

Sec. 13. *And be it enacted,* That if any person or persons shall wilfully or maliciously injure the said rail road or any buildings, machinery or works of the said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Cost of road to be filed with Secretary of State.

Sec. 14. *And be it enacted,* That as soon as the said rail road, with its appendages, shall be finished so as to be used, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and whenever after, the nett proceeds of said road shall amount to six per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum, on the cost of said road, to be paid annually on the first Monday in January in each year; *Provided,* that no other tax or impost shall be levied or assessed upon the said company, for the use of this state.

When state may take the road.

Sec. 15. *And be it enacted,* That at any time after the expiration of thirty years from the completion of said road, the legislature of this state may cause an appraisement of the same and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report, as aforesaid, or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the said three persons so appointed by him shall proceed to make such appraisement, which shall be binding upon the said company, or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh

man, then upon two weeks notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, and thereupon the state shall have the privilege, for two years, of taking said road, upon the payment to the company of the amount of said appraisement, within one year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property and interest of the said road and the appendages thereof shall be vested in the state of New Jersey upon the payment to the said company of the amount so reported; *Provided*, that the said valuation shall in no case exceed the first cost of said road with the appendages thereof. Proviso

Sec. 16. *And be it enacted*, That if the said rail road shall not be completed within seven years from the fourth day of July next ensuing, that then and in that case this act shall be void. Limitation

Sec. 17. *And be it enacted*, That no part of the capital stock, or moneys, of the company incorporated by this act, shall be used or employed by said company for banking or any other purposes not clearly indicated by the provisions of this act, under penalty of forfeiting their charter; and that it may be lawful for the legislature at any time hereafter, to alter, modify or amend this charter, whenever in their opinion the public good shall require it; and that this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever. Restrictions.
Act may be altered.

Passed, March 4, 1836.

AN ADDITIONAL SUPPLEMENT to the act entitled "An Act to incorporate a company to erect a Turnpike Road from the town of Paterson, to the village of Hackensack." Passed, February sixth, eighteen hundred and fifteen.

WHEREAS, the Hackensack and Paterson Turnpike Company, have, by their memorial, represented that they will not be able to finish their road within the time prescribed by law for that purpose, and it appearing that it will be proper to grant the said company the indulgence required by them—therefore,

Time for completing road extended.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the time for completing the said road, be extended to five years from and after the sixth day of February next: provided, said company shall receive toll for only that part of the said road that is completed and finished, at the rates per mile agreeably to their original act of incorporation.

Passed, March 5, 1836.

A SUPPLEMENT to an act, entitled, "An Act to regulate the Shad Fisheries in South River, in the county of Middlesex," passed, February twenty-second, eighteen hundred and four,

Times of fishing regulated.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons, to fish with any net, seine, fikes, cribs, or other device, across or in the said South River, between the mouth thereof, where the same empties into the Raritan River, and the Powder Mill belonging to Vernet

and Solomon on said River, between the first day of June and the tenth day of August, in each and every year; and any person so offending, shall forfeit and pay the sum of twenty dollars for each and every such offence, to be sued for, and recovered, with costs of suit, in an action of debt, by any person, before any justice of the peace of the county wherein such offence shall have been committed; one half of the forfeit money to be paid to the person prosecuting the same, and the remainder to the overseer of the poor, for the use of the poor of the township wherein the offence shall have been committed; *provided*, that nothing in this act shall be construed or taken to prevent any person or persons from fishing with a hook and line at any time of the year.

Penalty for violating this act

Passed, March 5, 1836.

AN ACT relative to fishing in Oldman's Creek, in the counties of Salem and Gloucester.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all and every person or persons whatsoever, who shall beat, splash, or make a noise in Oldman's Creek, (it being division line between the counties of Salem and Gloucester--Beaver Creek being a branch thereof, in the county of Salem) for the purpose, or with the intention, of molesting, disturbing, or impeding shad, or other fish, in their natural course, either up or down the same, at any time between the first day of March and the first day of July, or shall affix, fasten, or set any net or nets, or other device or devices that may tend to obstruct or hinder fish from going up or down the same, shall, for each and every offence, be liable to a penalty, not exceeding forty dollars, to be recovered by action of debt, with costs of suit, in any court of record having cognizance thereof, by any person or persons that will sue for the same, and upon the failure, refusal, or inability to pay said penalty, such offender or offenders may be imprisoned in the common jail, in the county in which the said offender or offenders reside, for any term, not exceeding three months;

Molesting the natural course of fish prohibited at certain seasons.

Penalty for violation of act

Provided always, that such prosecution shall be commenced within six months after the said offence shall have been committed; *and provided also*, that nothing in this act contained shall extend to prevent any person or persons from drawing or sweeping with seines or nets, or fishing with hoop-nets, in said creek, as heretofore.

Passed, March 5, 1836.

AN ACT to incorporate the "Union Manufacturing Company," of Trenton.

Style of incorporation.

Time and mode of electing directors.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Dr. John M'Kelway, Thomas J. Stryker, Xenophon J. Maynard, and their associates and successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Union Manufacturing Company," for the purpose of manufacturing, bleaching, or printing, articles of which cotton, flax, or wool are the principal parts, and all machinery incident thereto, or which may be found necessary for effectually carrying on said manufactures, and shall have power to raise, by subscription, in shares of one hundred dollars each, a capital of three hundred thousand dollars, and for that purpose shall open books of subscription to the capital stock on the first Tuesday in May next, giving at least twenty days notice of the time and place, in one or more of the newspapers of this city, and that each person subscribing to said stock, shall pay at the time of subscribing, the sum of ten dollars on each share; and as soon as three hundred shares shall be subscribed, and ten thousand dollars paid in, the individuals above named, or any two of them, may, by public notice of thirty days, given in one or more of the newspapers of the city of Trenton, call a meeting of the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy; the said individuals above named, or any two of them, to be inspectors and judges of such first election; and the said directors when elected, shall choose out

of their number a president; and the directors of said company shall, annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors shall continue in office until such election be complete, and shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state, or the United States; and shall also have power to reopen books and take additional subscriptions not exceeding the amount limited as above, call in said stock from time to time, in such instalments as they shall think necessary, not exceeding twenty dollars on each share, by giving public notice as aforesaid; and to declare forfeited to said company, the stock with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above: *provided*, previous notice of thirty days shall have been given to such delinquent stockholder.

President to be chosen.

Powers and duties of directors.

Stock forfeited on failure to pay instalments.

Sec. 2. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the directors for the time being, of the said company, shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, then, upon such neglect or refusal, the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice, and call such meeting, and elect directors, in like manner as if said directors had given notice as by this act is required; and if at any election of directors, two or more persons voted for shall receive an equal number of votes, the directors for the time being shall determine by ballot, which of the said persons so having an equal number of votes, shall be director or directors, as shall be required to complete such election: and upon the death or resignation of any of the said directors, the remaining directors shall choose from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be complete.

Corporation not dissolved for failure to elect on day prescribed.

Vacancies supplied.

Sec. 3. *And be it enacted*, That the said directors, at the first meeting after every election shall appoint a president; and they may appoint a secretary, treasurer, and such other officers and agents, as they may think adequate, and require from such officers and agents, such bonds and security for their good conduct, as may to them appear reasonable and proper.

Officers and agents appointed.

Sec. 4. *And be it enacted*, That the said company, for the purposes specified in the first section of this act, may buy or

Company may
buy or rent
water power
and lands

rent of The Trenton Delaware Falls Company, so much water power, and may buy, rent, take and hold, or otherwise become seized and possessed of, all such lands, tenements, and other real and personal estate, in the city of Trenton, or within two miles of said city not exceeding five acres, as may be necessary and useful for the purposes aforesaid; and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Dividends to
be made.

Books to be
kept open to
inspection of
stockholders.

Sec. 5. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the directors, among the stockholders; and the books of the said company shall, at all times be open for the inspection of said stockholders: *provided*, that no dividends be made except from the actual profits of the company.

Stock personal
property, and
mode of trans-
ferring.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferrable upon the books of the company, in the mode directed by the by-laws thereof.

Limitation of
act.

Act may be
altered or re-
pealed.

Sec. 7. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred sixty-six, and no longer: *provided*, that the Legislature may alter, modify or repeal this act, whenever they shall think the public good requires it: and that they shall not use any of their funds for banking purposes.

Passed, March 5, 1836.

AN ACT to incorporate "The Patent Arms Manufacturing Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Samuel Colt, Thomas Addis Emmet, Elias B. D. Ogden, Daniel K. Allen and Daniel Holsman, and the survivors of them and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name by the name of "The Patent Arms Manufacturing Company," for the purpose of manufacturing fire arms, machinery and cutlery, in the counties of Bergen and Essex, in this state, and carrying on the business incident to such manufactories; and by that name they and their successors may have succession, and continue a body corporate and politic, and shall in law be capable of contracting, and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters, and causes whatsoever, and of doing all other acts needful to the proper management of the funds and property of the said corporation, and to the carrying on the business for which said corporation is hereby created: and they and their successors by the same name may be capable to acquire, purchase, receive, have, hold, and enjoy and again to sell or otherwise dispose of personal estate of every description, and also such real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities: *provided always,* that the funds of said corporation or any part thereof shall not be used or employed at any time in banking operations, or for any other purpose not plainly indicated by this act.

Style of incorporation.

Objects of incorporation.

Powers.

What real estate may be held.

Restrictions.

Sec. 2. *And be it enacted,* That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Tuesday in August in every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice shall be given of the

Time and mode of annual election of directors.

**Directors to
appoint offi-
cers.**

**Vacancies sup-
plied.**

First directors

**Amount of
capital**

**Stock forfeited
on failure to
pay instal-
ments.**

**Books to be
opened for sub-
scriptions for
stock.**

time and place of holding every such election, not less than ten days previous, in one or more newspapers printed in or nearest the town where said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendants, and assign such compensations as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, among the directors named in this act or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; until other directors are chosen from the stockholders the first directors shall be Thomas Addis Emmet Daniel K. Allen, Elias B. D. Ogden, Daniel Holsman, and Elias Vanarsdale, junior, and the survivors, or survivor of them who shall hold their offices until the first Tuesday of August next, or until others are legally chosen.

Sec. 3. And be it enacted, That the capital stock of said company shall not exceed the sum of three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as the sum of one hundred thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations: and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times, and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payment shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in or near the place where such payment shall be required to be made.

Sec. 4. And be it enacted, That the subscription for the said stock shall be open, and kept open for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Sec. 5. *And be it enacted,* That the stock or property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and be transferrable in such manner as shall be prescribed by the by-laws of the said corporation : *Provided*, that no dividends shall be made to and among the stockholders, except from and out of the nett profits of the said corporation.

Stock personal estate

Sec. 6. *And be it enacted,* That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved ; but it shall and may be lawful to hold such election on such other days in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted,* That a majority of directors for the time being, shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution, such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation : *Provided*, that the same are not contrary to the constitution and laws of the United States, or of this state.

Powers and duties of directors.

Proviso.

Sec. 8. *And be it enacted,* That the directors shall, at all times keep, or cause to be kept, proper books of account in which shall be regularly entered all the transactions of the said corporation which books shall at all times be open to the inspection of the stockholders of the said company or their legal attorney or attorneys : *and further*, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for the purpose.

Books open to inspection of stockholders.

Regulation for transferring stock.

Sec. 9. *And be it enacted,* That the said company may be dissolved at a general meeting of the stockholders specially summoned for that purpose : *Provided*, at least three fourths in value of the stockholders shall be present or represented therein ; and upon such dissolution, the directors for the time being and the survivors and survivor of them shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them shall be trustee and trustees for the purpose aforesaid.

How company may be dissolved.

Act may be altered or repealed.

Sec. 10. *And be it enacted*, That the Legislature shall have full power, at any time hereafter, to alter, amend, modify, or repeal this act.

Passed, March 5, 1836.

AN ACT further to amend an Act entitled "An Act to incorporate a Company to form an artificial navigation between the Passaic and Delaware Rivers," passed December thirty-one, eighteen hundred and twenty-four.

Toll authorized to be charged.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That upon such navigable feeder or feeders, as in virtue of this act, or the act of original incorporation, may be constructed by the Morris Canal and Banking Company, for the purpose of conducting into the Morris Canal the waters of Long Pond, or other waters that may be requisite for the supply of the said canal, the said company shall be and are hereby authorized to charge and receive the same rates of toll as are now lawfully chargeable upon the said canal.

Construction of former act.

Sec. 2. *And be it enacted*, That the twenty-seventh section of the act to which this is a supplement, shall not be so construed as to prohibit or prevent the said Morris Canal and Banking Company from letting to use the water necessary for the purposes of the canal in working other machinery than that requisite for the planes, between Boonton, in the county of Morris, and the Passaic, at Newark, but no other person or persons shall so appropriate the water of said canal, without the consent of said company; *Provided*, that nothing in this act contained shall be construed to authorize the said company to interfere with the rights or privileges of other persons in the use of the waters of this state for the said purposes without their consent; *And provided also*, that the said company shall not carry on or engage in any manufacturing business; *And provided further*, that nothing in this act contained shall be construed to authorize the said company to

Rights of other persons not to be interfered with.

proviso.

use as much of the waters of the Musconetcong creek for the said purposes as to deprive the owners of mills or manufactories on said creek, below the dam at Saxon's Falls, of sufficient water to turn one wheel as at present used to drive two run of mill stones, with the necessary fixtures for the same, during eight weeks in the year, and at least two wheels each of the same power during the residue of the year, without the consent of the owners.

Sec. 3. *And be it enacted*, That in order to enable the said company to procure the requisite lands and premises, and to construct the several basins, reservoirs, and feeders, authorized by the said act of incorporation, and the amendments thereto, the said Morris Canal and Banking Company shall be, and they are hereby authorized to increase the capital stock thereof to an amount not exceeding six hundred thousand dollars, in shares of one hundred dollars each, for which they may obtain subscriptions, and issue certificates in the manner prescribed in the said act of incorporation; and all holders of such additional shares shall thenceforward be incorporated into the said company; *Provided*, that no part of the said sum of six hundred thousand dollars shall be used for banking purposes, but shall be applied exclusively to the objects set forth in this section.

Authority to
increase the
capital.

Restrictions.

Sec. 4. *And be it enacted*, That the corporate powers of the said Morris Canal and Banking Company, shall be exercised by a board of directors to consist of twenty-three persons, who shall elect a president annually from their body, and possess the other privileges and power already conferred by law.

Corporate
powers exer-
cised by direc-
tor.

Sec. 5. *And be it enacted*, That within one month after the passing of this act, the board of directors shall be divided into five classes, one consisting of three, and the remaining four, of five persons each, and so arranged that the term of service of one of said classes shall expire at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years; that three directors shall be elected at the end of the first year, and five directors at the end of the second, third, fourth and fifth years, by the stockholders, in the manner now prescribed by law; and in like manner, until the expiration of the charter; but the supreme court of this state shall have power to remove a director for misconduct, to be heard on such notice as they shall deem reasonable, on the application of a stockholder or any person interested.

Time and
mode of elect-
ing directors,
and division of
their term of
service.

Sec. 6. *And be it enacted*, That the following persons shall constitute the first board of directors, that is to say, Louis M'Lane, John S. Crary, James Parker, George Griswold,

First direc-
tors.

Proviso.

John Haggerty, Garret D. Wall, Samuel R. Brooks, Washington Irving, John S. Darcy, Henry Yates, Peter M. Ryerson, Christian B. Zabriskie, Edwin Lord, Joseph L. Joseph, Isaac H. Williamson, Daniel Jackson, Jonathan Goodhue, John Travers, Henry W. Hicks, James B. Murray, John Moss, Stephen Whitney, and Philemon Dickerson; that their authority and power as directors, under this act, shall commence from the time it shall take effect as a law, and that so much of the aforesaid charter, and no more, as is inconsistent with the foregoing provisions, be, and the same is hereby repealed; *Provided however*, that the change in the mode of appointing directors, as pointed out in the present act, shall not be obligatory on the stockholders, unless within one month after the passing of this act, at least three-fourths of by the stockholders, in number and amount, shall cause to be filed in the office of the secretary of state, a writing signed by the said stockholders, setting forth the number of shares by them held, and duly attested by the president and cashier of said Morris Canal and Banking Company, signifying their assent to such change, and also their assent to the persons named in this section as directors.

Restrictions.

Sec. 7. *And be it enacted*, That nothing in this act contained shall be construed to authorize the said company to issue their bank notes to such an extent as to create a circulation of said notes of more than two millions of dollars at any one time, and that the said company, after the fourth day of July next, shall issue no bills of a less denomination than five dollars; unless the legislature should hereafter repeal the act entitled "An act to prevent the issuing and circulation of small notes, for the payment of money," passed the fourth day of March, eighteen hundred and thirty-five.

Legislature may appoint commissioners to examine proceedings of company.

Sec. 8. *And be it enacted*, That the legislature of this state shall have it in their power, at any time hereafter, (whenever in their opinion it may become necessary) to appoint three commissioners, with full power to examine into the proceedings of the said corporation, and report the same to the legislature.

Passed, March 5, 1836.

**AN ACT to incorporate the Camden and Philadelphia
Steam Boat Ferry Company.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Joseph Kaighn, Samuel Lanning, Gideon V. Stivers, John W. Mickle, Richard Feters, Samuel Harris, Isaac Vansciver, Isaac Cole, William Carman, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "The Camden and Philadelphia Steam Boat Ferry Company," and by that name shall have continued succession, and shall be able to sue and be sued, implead and be impleaded in all courts of law and equity, and to purchase, have, hold, and receive, possess, retain and enjoy, to them, their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels and effects, of whatever kind, nature, or quality, necessary to carry into effect this act, and no more; and the same from time to time to sell, grant, demise, alien, or dispose of, at pleasure; to make and have a common seal, and the same to alter and change; to appoint all such officers, agents, and servants, and to employ all such engineers, workmen and laborers, as shall be necessary, and may exercise all such other powers as shall be essential to carry into effect the provisions and privileges by this act vested in the said corporation; to make by-laws not contrary to law or to the constitution of this state or of the United States.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the capital stock of the said corporation shall consist of one hundred thousand dollars, divided into shares of fifty dollars each, and every person subscribing to the said capital stock, shall at the time of such subscription pay to the directors of said corporation, or some one of them, authorized to receive it, five dollars on each and every share of the said capital stock, and the residue of the said capital stock shall be paid by the several and respective subscribers into the hands of the treasurer of the said corporation at such time, and in such instalments as the directors of the said corporation shall require, giving four weeks previous notice in a newspaper printed in the city of Camden, and in a daily paper printed in the city of Philadelphia, of the time and place at which such instalment shall be required to be paid; failure of the payment, at the time and place mentioned in such notice, shall incur a forfeiture of the shares and all previous payments made thereon, to the use of

Amount of capital stock

Stock forfeited on failure to pay instalments

the said corporation; and if it shall be necessary to carry into full effect the objects of this act, the directors shall and may increase the capital stock of the said corporation to any sum not exceeding two hundred thousand dollars, and may increase the number of shares for that purpose.

First directors

Sec. 3. *And be it enacted*, That the affairs of the said corporation shall be managed by nine directors, and Joseph Kaighn, Samuel Lanning, Gideon V. Stivers, John W. Mickle, Richard Feters, Samuel Harris, Isaac Vansciver, Isaac Cole, and William Carman, are hereby appointed the first directors, who shall serve for one year, or until others are elected; and the said directors, or a majority of them, shall assemble, as soon as convenient after the passing of this act, and appoint one of their number to be president of the said corporation, who shall serve for one year; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, convened at the next succeeding stated meeting, shall appoint a director to fill such vacancy until the next annual election; *Provided always*, that no person shall be a director who is not a stockholder, and at least six of the said directors shall be citizens of the state of New Jersey.

Each share of stock entitled to one vote

Sec. 4. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal estate; every share of stock shall be entitled to one vote, and stockholders may vote in person or by proxy.

Officers to be appointed

Sec. 5. *And be it enacted*, That the board of directors for the time being shall have power to appoint a president, treasurer, secretary, and all such officers, agents, and clerks, as shall be necessary to carry into effect the objects of this act, and shall perform such other acts as shall be to the interest and prosperity of said company, and may require such bonds and securities for the faithful performance of their duty as the said board shall direct; and the said board shall have power to erect a steam boat ferry, between the city of Camden and Philadelphia, at such place or places as they may deem best for the public accommodation, and interest of the said corporation; and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings, and all other necessary appendages, and may build steam boats, vessels, and ferry boats, of such descriptions and dimensions as the said board shall order and direct; *Provided always*, that it shall be the duty of the said corporation to keep a steam boat or boats running all the year, for the accommodation of the public; and they shall not fail or refuse to carry any person or persons across the Delaware river, in the day time, under the penalty of fifty dollars for each failure or refusal, to be

Powers and duties of directors.

Proviso

sued for by the party demanding and refused to be taken across the said river, in any court of record in this state; *Provided*, the said forfeiture shall not attach or be recovered when the navigation of the said river is impracticable or imminently dangerous.

Sec. 6. *And be it enacted*, That it shall not be lawful for the said corporation to charge more than the following rates of ferriage or toll, under the penalty of fifty dollars for each offence, to be sued for in any court of competent jurisdiction, by the party aggrieved, to wit: for nine months in every year as follows:

Rates of ferriage or toll

For each passenger,	five cents
Single passenger in wherries,	ten cents
For marketing, a barrel to be rated equal to two bushel baskets; tubs, chests and scow baskets to be rated according to the number of bushels they hold, for each bushel,	one cent
All articles containing marketing, to return free, if empty, otherwise to pay the usual rates.	
For a two horse load, with or without the carriage, not otherwise rated,	twenty-five cents
A barrel of salt, plaister, flour, sugar, liquor, &c.	eight cents
A hogshead of liquor, sugar, molasses, lime, &c.	twenty-five cents
Stove of cast iron of six or more plates,	ten cents
Salt, plaister, grain, clover and other grass seeds, per bushel,	two cents
Flour, beef, pork, iron, &c. per cwt.	three cents
Coffee, per bag, chests, large trunks, &c.	five cents
Soap, candles, glass, chocolate, &c. per box,	three cents
Windzor chairs, per dozen, bureau, bedstead, clock case, &c.	ten cents
Lumber, per hundred feet,	ten cents
Live calves and fat hogs, per head,	five cents
Sheep and store hogs, do.	three cents
Fat cattle,	twenty-five cents
Cow and calf,	twenty cents
Store cattle, horses and mules, &c.	fifteen cents
Sideboard,	twenty cents
Desks and secretaries, &c.	fifteen cents
Tables, stands, feather beds, mattresses, large chest of tea,	five cents
Crate or tierce of earthen-ware, hamper	

of bottles,	fifteen cents
Fresh shad, per hundred, or herring, per thousand,	twenty cents

Carriages and Drivers.

Every four wheel carriage, drawn by four horses,	sixty cents
four do. two	thirty cents
two do. two	twenty-five cents
four do. one	twenty-five cents
two do. one	twenty cents

Market carriages, with their drivers, including fish wagons, going to or returning from market, with four wheels, drawn by two horses,	thirty cents
Four wheels, drawn by one horse,	twenty cents

All passengers in carriages, except the driver, to pay the same as other passengers.

Carriages of burden, to include charcoal, tin wagons, pedlars, &c. with their drivers, two horse loads,	thirty-five cents
Unloaded,	twenty-five cents
One horse load,	twenty-five cents
Unloaded,	twenty cents
For carrying hay, straw, hemp, flax and other bulky articles, two horse load,	fifty cents
Unloaded,	thirty cents
One horse load,	forty cents
Unloaded,	twenty cents
Each additional horse, ox, or mule,	fifty cents

Bricks on carriages, ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free.

Charity schools, with their teachers, to pass free.

Times when
tolls may be
increased

The above rates to be taken spring, summer and fall ; and the rates of ferriage and freight shall not at any time exceed double these rates ; and all persons who shall desire it, shall be allowed to pay quarterly in advance, and such quarterly payments shall be as follows : not exceeding the sum of one dollar per quarter, for each passenger.

Meeting of
directors.

Sec. 7. *And be it enacted,* That five directors shall be a quorum for the transaction of business ; the president of the corporation shall preside at all meetings of the directors ; but in case of sickness or absence, his place may be supplied by any other director whom the directors may nominate for that

purpose; the stated meetings of the directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by any particular appointment, or upon the call of the president; the shares of the said capital stock shall be transferrable on the books of the company, in such manner as the by-laws shall ordain.

Sec. 8. *And be it enacted*, That the annual election of the directors shall be held at such time and place as shall be ordained by the by-laws, and the directors shall appoint the judge of election; three weeks notice shall be given of the annual election, in one of the papers printed in the city of Camden, and in one or more of the daily papers printed in the city of Philadelphia.

Time and mode of election of first directors.

Sec. 9. *And be it enacted*, That dividends of so much of the profits of the corporation as shall appear advisable to the directors, shall be made and paid to the stockholders semi-annually, at such stated periods as the directors shall determine; and at each annual meeting of the stockholders, for the purpose of the election, it shall be the duty of the president and directors for the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year, and shall produce the books, accounts, and papers of the corporation, at such annual meeting, if required to do so by any person or persons who separately or together shall be the owner or owners of fifty shares of the capital stock of said corporation.

Semi-annual dividends to be made.

Statement of the affairs to be made.

Sec. 10. *And be it enacted*, That it shall be lawful for the city of Camden to own and possess stock in the said corporation, and there shall be reserved for the use of the said city, one hundred shares of the said capital stock; *Provided*, the inhabitants of the said city shall, at their next annual town meeting, or at a special town meeting to be called for that purpose, within one year from the passing of this act, by a vote in the usual manner, authorize the mayor of the said city to subscribe for such capital stock, and empower the "city council" of the said city to assess and raise, from time to time, the money to pay the instalments upon the said capital stock; and if the said city shall subscribe for the capital stock above reserved, then the city council of the said city shall annually appoint one director of said corporation.

City of Camden may own stock

Sec. 11. *And be it enacted*, That it shall be lawful for the city council of the city of Camden to lease or rent out to the said corporation the privilege of erecting a ferry or ferries at the termination of such of the public roads, streets, or highways, in the said city, as extend to low water mark, in the river Delaware, or for other purposes, and appropriate the

City property may be rented for ferries

rents received therefor to the use and improvement of the said city, or to the payment of instalments upon the capital stock hereby created; *Provided*, nothing herein contained shall be construed to interfere with private property.

Penalty for
injuring works
of Company

Sec. 12. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines or machines of the said corporation, such person or persons, so offending, shall forfeit and pay to the said corporation any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace of the county of Gloucester, or alderman of the city of Camden, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered in an action of trespass, in any court of competent jurisdiction.

Limitation

Act may be al-
tered or repeal-
ed.

Sec. 13. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall continue in force for thirty years; and the legislature reserve to themselves the right at any time after the passage of this act to amend, modify, alter or repeal the same whenever in their opinion the public good requires it.

Passed, March 5, 1836.

AN ACT to incorporate the Woodstown and Bridgeton Rail Road and Transportation Company.

Style of incor-
poration.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Elijah Griffeth, Israel R. Clawson, Isaac Johnson, Jeremiah Stull, William Cook, Isaac Whitaker, David Reeves, Elias P. Seeley, and their associates, shall be, and are hereby constituted a body politic and corporate, in law, by the name of "The Woodstown and Bridgeton Rail Road and Transportation Company," and by that name they, and their successors, shall be known in law, and have power to sue and be sued, defend and be defended, in all courts of law and equity whatever; and by that name shall be capable of purchasing, or

otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate ; shall have perpetual succession, and may have a common seal, and the same to alter or renew at pleasure ; and have, exercise, use, and enjoy, all the rights, powers, privileges, benefits and immunities that pertain to other corporate bodies, and which may be necessary for the purposes of this act.

Sec. 2. *And be it enacted,* That the capital stock of the said corporation shall be sixty thousand dollars, with liberty to the said corporation to increase the same to ninety thousand dollars, if necessary, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal estate, and shall be transferrable in such manner as the by-laws of said corporation shall direct.

Amount of
capital stock.

Sec. 3. *And be it enacted,* That Joseph Barnes, Isaac Johnson, and Jeremiah Foster, of Salem, Isaac Whitaker, and Jeremiah Stull, of Cumberland, be, and they are hereby appointed commissioners to receive subscriptions for the capital stock of said corporation ; and they, or a majority of them, are hereby authorized for that purpose, to open books of subscription, at such times and places as they, or a majority of them, shall appoint, which shall be kept open three days ; giving twenty days notice of such times and places in a newspaper of each of the counties of Salem and Cumberland ; and at such times and places so fixed, the said commissioners, or any three of them, shall attend and receive subscriptions to the said capital stock ; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable and just ; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the said commissioners, in gold or silver coin, or legal and current bank notes, and the residue thereof may be called in, and shall be paid at such times, and in such amounts, by instalments, as is by this act hereinafter directed ; and the said commissioners may meet from time to time until the whole stock be subscribed.

Books of sub-
scription for
stock to be
opened.

Sec. 4. *And be it enacted,* That whenever there shall be twelve hundred shares of the said stock subscribed, and six thousand dollars paid in as above directed, the said commissioners, or a majority of them, shall give public notice for twenty days, in one or more newspapers of this state nearest the location of said road, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners shall be the judges ; which subscribers, when so met, shall proceed to elect, by ballot, from among the subscribers or

Time and
mode of elect-
ing directors.

stockholders, seven directors, who shall be citizens and residents of this state, and hold their offices for one year, and until others are elected; and each stockholder at such election, and at all future elections of said corporation, shall have one vote for each share he, she, or they, shall own at the time of such election, not exceeding twenty shares, and for every five shares above twenty, one vote, and that such stockholder or stockholders may vote at any election by proxy duly authorized for that purpose.

Powers and
privileges.

Stock forfeited
on failure to
pay instal-
ments

Time and
mode of elect-
ing directors.

Sec. 5. *And be it enacted*, That the said board of directors so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, and such other officers, with such salaries, as they may deem proper, and shall and may employ such artificers, engineers, agents, laborers and workmen, for the purpose aforesaid, with such compensation as shall appear to the said directors reasonable and just; and shall and may make, ordain, and establish such by-laws and regulations for their own government, and that of the persons by them employed, as shall and may from time to time be necessary to effectuate this charter, and a majority of the said board shall, at all times, be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments, not exceeding five dollars on each share by giving thirty days notice of such required instalments, in one or more newspapers circulating generally in the neighborhood where such stockholders reside; and if any stockholder shall neglect or refuse, for twenty days after such instalment is due, to pay the same, he, she or they so neglecting or refusing, shall forfeit their stock and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just: *Provided always*, that no by-law or regulation of said company shall be inconsistent with, or repugnant to the constitution or laws of this state, or of the United States, or this charter.

Sec. 6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required, to pay over to the said board of directors, or to such person as they or a majority of them shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom, all expenses to which they have been exposed, for books, printing or other expenditures, and the sum of one dollar per day for each and every day they shall have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall, annually thereafter, cause an election to be held at such time and place as their by-laws shall direct, for direct-

ors of the said corporation; and such directors so annually chosen, shall in like manner have power to elect their president and other officers, agents, engineers, workmen and artificers, as is by the fifth section of this charter hereinbefore provided; and shall and may have the power at all times, to remove their officers and other persons so appointed, and to appoint others in their stead, if the interests of the company shall require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen from death, resignation, or otherwise.

Powers and duties of directors.

Sec. 7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day, or at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause, be deemed to be dissolved, but such election may be held at any other time; and the directors, for the time being, shall continue to hold their offices until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 8. *And be it enacted*, That the said president and directors of the said company, are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, to commence at or near Woodstown, Salem county, and to run from thence by the most eligible route to Deerfield street, in Cumberland county, about twelve miles, and thence still by the most eligible route to the town of Bridgeton, in said county of Cumberland, making the whole distance about eighteen miles, with as many sets of tracks or rails, as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling or laying out the route or routes of such road, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *Provided always*, that the said corporation shall pay or make tender of payment, of all damages for the occupancy of the lands, through which the said rail road may be laid out, before the said company, or any person in their employ, shall enter upon or break ground, in the premises, except

Location

When they may enter on lands.

for the purpose of surveying said route, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings
when compa-
ny and owners
of land can-
not agree

Sec. 9. *And be it enacted*, That if the owners of the land on which such rail road shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county in which the said land shall lie, who is disinterested in the premises, upon the application of either party, and after ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county, to assess the price or value of said land and all damages sustained; who shall be sworn, before said judge, faithfully to execute the duties of such appointment, and after ten days notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as shall to them appear just and proper, and transmit such award and decision, together with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the Inferior Court of Common Pleas of the county, at the first or second term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party, of such appeal, which proceeding shall vest in the said Court of Common Pleas full right and power to hear and adjudge the same, and if required, they shall award a venire, in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of the said land, and all damages sustained; and for that purpose to view the lands in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment, or tender

Appeals may
be taken to
court of com-
mon pleas and
case tried by
jury.

of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such land and real estate so appraised as aforesaid.

Sec. 10. *And be it enacted*, That in case any owner or owners of such land or real estate, shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such person, into the Court of Chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners; all of which said proceedings, as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, above provided for, and the said judge shall and may order and direct the amount of the costs and charges of such valuation, appraisement, and witnesses fees; and it shall and may be lawful for the said commissioners, so appointed as aforesaid, to fix upon and appraise the value of any fencing which may be necessary to be put up and erected, in consequence of such rail road, and to report the same, as in other cases, subject to the like appeal and proceeding, as is herein before provided in case of the valuation of the land.

Value of lands paid into the court of chancery in certain cases

Sec. 11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over or under the said rail road, at all times, where any public or private road shall cross the same, so that the passage of carriages, horses and cattle, over the said road shall not be impeded thereby, and also, where the said road shall intersect any farm or other lands of any individual, to provide and keep in repair, suitable wagon ways, over or under said road, so that the same may be passed.

Other roads not to be obstructed.

Sec. 12. *And be it enacted*, That the president and directors of the said company shall have power, at their discretion, to have constructed, or to purchase, with the funds of the company, and to place on the rail road by them constructed, all machines, engines, wagons, carriages or vehicles, for the transportation of persons, or any species of property thereon, as they may think expedient and right: *Provided*, they shall not charge more than at the rate of six cents per mile, per ton, for the transportation of property on said road, not particularly specified in this act, four cents per mile for each passenger in the carriages of the said company, six cents per ton, per mile, for marl, six cents per thousand feet for timber, per mile, six cents per cord per mile for wood, and one quarter of a cent per mile per bushel for grain, and any person putting a private carriage on the rail road, constructed by said company, shall be

Rates for passage and transportation.

subject to pay only half of the tolls prescribed by this act, to be paid to said company; and that the said rail road and appendages, carriages, engines, tools, implements, and all other property, real and personal, by the said company, had, held, used, occupied and enjoyed, and necessary and proper for the use of said company, shall be, and the same is hereby vested in the said corporation, and their successors and assigns during the continuance of this act.

•
When road to
be commenc-
ed.

Limitation of
act.

Proviso

Penalty for
injuring road
or works.

Semi annual
dividends to be
made.

Rail road a
public high-
way.

Sec. 13. *And be it enacted*, That the president and directors of the said company, may, whenever the sum of six thousand dollars is paid in, according to this act, commence the said rail road at or near the town of Woodstown, aforesaid, and shall complete the same to Deerfield street, in the county of Cumberland; and if the whole of the capital stock shall be subscribed, they are then authorized and required to continue the said rail road to Bridgeton, in the said county of Cumberland, according to the direction of the seventh section of this act; and if the said road shall not be finished to Deerfield street, within ten years, or finished the whole distance within fifteen years, then the rights of said corporation, as to the part of such road unfinished, shall wholly cease and be void; *provided*, that nothing in this act contained shall prevent the said corporation from the full use, privilege and enjoyment, of such part of said road, as shall, within the said period, be finished and completed.

Sec. 14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the said road, or any part thereof, constructed by the said corporation, under the provisions of this act, or any of their works, wharves, carriages, houses, bridges, engines, machines, implements or tools, such person so offending shall forfeit and pay to the said company, the sum of twenty dollars, to be by them recovered in an action of debt, and shall be also liable for damages.

Sec. 15. *And be it enacted*, That the president and directors of the said corporation shall, within one year after the full completion and use of twelve miles of the said road, declare and make such dividends, out of the clear profits of the said rail road, as they may deem prudent, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders, or their legal representatives, in proportion to the shares held by them respectively, as they may deem prudent; *provided*, that the said corporation shall not, at any time, make, declare, or pay out any dividends of the capital stock of said corporation.

Sec. 16. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be free for the passage of any rail road carriage there-

on, with passengers or property, upon payment of the tolls by this act allowed, and where the carriages that so pass said road, are owned by other persons than the company, the following rates of toll shall be paid to said company : three cents per mile, per ton, for the transposition of property (not herein specified) three cents per ton, per mile, for marl, three cents per thousand feet for lumber, per mile, three cents per cord, per mile; for wood, one-eighth of a cent per mile, per bushel, for grain, two cents per mile, for each passenger, and one and a half cents per mile, for each empty carriage, car, or other vehicle, and the same for each horse, mare, gelding, or mule; *provided*, that the said carriages so used thereon, shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated as to the time of starting, and rates of travelling, as not to interfere with the carriages of the company, or with any regulations they may adopt, under the provisions of this act, and the persons travelling on said road, shall, at all times, be subject to the rules of said corporation.

Proviso.

Sec. 17. *And be it enacted*, That as soon as the rail road with its appendages, shall be finished and completed, the president and treasurer of said company, under oath or affirmation shall file a statement in the office of the secretary of state, of the actual cost of said road, including all expenses; and annually thereafter the president and treasurer of said company shall make a statement to the Legislature of this state, under like oath or affirmation, of the proceeds of said road, and as soon as the nett proceeds of said road shall amount to six per centum per annum upon its whole cost, the said corporation shall pay the treasurer of this state a tax of one half of one per centum per annum on the cost of said road, to be paid annually on the first Monday of January in each year; *provided*, that no other tax for the use of the state shall be imposed upon the said corporation or their property.

Statement to be filed with Secretary of State

Tax to be paid

Sec. 18. *And be it enacted*, That the said corporation shall not in any manner or form use or employ any part of their stock, funds, or other estate, in banking operations, upon penalty of the immediate forfeiture of this charter.

Funds not to be employed for other purposes

Sec. 19. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatever; and shall be and continue in full force, for the term of thirty-five years: and the Legislature reserve the right to alter, amend, or modify this act, whenever in their opinion the public good requires it.

Act may be altered

Passed, March 7, 1836.

AN ACT authorizing Louis M. Prevost to sell and convey certain premises therein mentioned, in the county of Hunterdon.

Preamble

WHEREAS, Andrew M. Prevost, and Hannah, his wife, by indenture, bearing date the sixteenth day of October, in the year of our Lord eighteen hundred and twenty-eight, did grant and convey unto Louis M. Prevost, his heirs and assigns, in fee simple, a certain tract or parcel of land, situate in the townships of Alexandria and Kingwood, in the county of Hunterdon, therein particularly described, containing eight hundred and ninety-three acres, be the same more or less, (excepting thereout, all such parts and parcels of the said premises, as he the said Andrew M. Prevost had before that time sold and conveyed away;) in trust, that he the said Louis M. Prevost, should let the said premises, and receive and pay the rents and profits thereof, to or for the maintenance and support of Paul Henry Mallet Prevost, during his life; and from and after the decease of the said Paul Henry Mallet Prevost, "in trust that he the said Lewis M. Prevost, his heirs or assigns, should and would sell and dispose of the said granted premises, altogether or in parts and parcels, for the best price that could be reasonably had and gotten for the same, at public or private sale; and on the receipt of the purchase money therefor, should and would sign, seal, acknowledge, execute and deliver, in due form of law, good and sufficient deed or deeds of conveyance, of and for the same, to the purchaser or purchasers thereof, his, her or their heirs or assigns forever, in absolute fee simple; and in trust, as to the money that might be produced by such sale or sales, to pay and apply the same as follows, viz. one full third part thereof, to and among, and for the use of all the children of Henry Mallet Prevost, deceased, the brother of the said Andrew and Louis, their respective executors, administrators and assigns; one other full equal third part thereof, to and for the use of him the said Louis M. Prevost, his executors, administrators and assigns; and the remaining one full equal third part thereof to and for the use of him the said Andrew M. Prevost, his executors, administrators and assigns;" *And whereas*, the said Paul Henry Mallet Prevost hath departed this life, whereby the trust for his benefit hath expired; *And whereas*, the said Andrew M. Prevost, by an indenture bearing date on the tenth day of December, in the year of

our Lord eighteen hundred and twenty-eight, assigned and transferred all his real and personal estate, (including the one-third part of the proceeds of sale of the said lands and premises) to John Clement Stocker, of the city of Philadelphia, his heirs, executors, administrators and assigns; and the said John Clement Stocker hath since departed this life, having first made and published his last will and testament, bearing date the tenth day of May, in the year of our Lord one thousand eight hundred and thirty-two, and therein appointed his wife, Caroline Stocker, and Martin Dutith, executrixes of his said will, who have duly proved the same, and taken upon themselves the executorship thereof, and now desire that the said trust property, or the one-third part thereof, (to the proceeds whereof the said Andrew M. Prevost was entitled, under said trusts) may be sold, and the net proceeds thereof paid to them as the assigns of the said Andrew M. Prevost; *And whereas*, the said Louis M. Prevost, and the heirs of the said Henry M. Prevost, are of opinion that it would be prejudicial to their interest to have the other two-thirds of the said lands (to the proceeds whereof they are respectively entitled) sold at this time, and desire to hold the said lands, instead of having the same sold, and converted into money; and as doubts have arisen whether the said Louis M. Prevost is authorized under the said deed of trust to sell and dispose of the one-third part of said property, held in trust for the benefit of the assigns of the said Andrew M. Prevost, separately without making sale of the whole of said premises together—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Louis M. Prevost to sell the one full equal and undivided third part of the lands and premises in the county of Hunterdon, conveyed by Andrew M. Prevost and Hannah, his wife, to the said Louis M. Prevost, his heirs and assigns, in trust, (being the third part of said premises to the net proceeds whereof the said Andrew M. Prevost was entitled under said trust) at public sale, for the highest and best price that can be obtained for the same.

L. M. Prevost
authorised to
sell certain
lands.

Sec. 2. *And be it enacted*, That it shall be the duty of the said Louis M. Prevost to give notice of the time and place when and where the said premises will be exposed to sale by advertisement, signed by himself, and put up at five or more public places in said county, one whereof shall be in the township of Alexandria, and another in the township of King-

Sale to be ad-
vertised.

wood, in said county, at least two months before the time appointed for selling the same; and also inserted in one or more of the newspapers printed in this state, and circulating in the said county, for at least one month next preceding said time; and at the time and place so appointed, between the hours of twelve and five o'clock in the afternoon, to expose the said premises to sale by public vendue or outcry, and to strike off the same to the highest bidder.

Distribution of
proceeds of
sale.

Sec. 3. *And be it enacted*, That upon the receipt of the purchase money, the said Louis M. Prevost shall make, execute, and deliver to the purchaser or purchasers of said premises, good and sufficient deeds of conveyance therefor, in fee simple, and after deducting the reasonable and necessary charges and expenses of making such sale, he pay the net proceeds of the premises so sold to the said Caroline Stocker and Martin Dutith, the executors of the said John Clement Stocker, deceased, assignee of the said Andrew M. Prevost, as aforesaid.

Passed, March 7, 1836.

A SUPPLEMENT to an Act entitled "An Act securing to mechanics, and others, payment for their labour and materials, in erecting any house or other buildings, within the limits therein mentioned," passed March third, one thousand eight hundred and thirty-five.

Provisions of
former act
extended to
Hunterdon
county.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act to which this a supplement, shall be taken and considered as a public act, and that the provisions thereof shall be in full force and effect throughout the limits of the county of Hunterdon, in this state; *Provided always*, that this supplement shall not go into effect until the first day of April next.

Passed, March 7, 1836.

AN ACT authorizing the sale of certain real estate, where-
of Benjamin Kline died seized.

WHEREAS Benjamin Kline, late of the county of Philadelphia, and state of Pennsylvania, died intestate, seized in fee simple of and in certain real estate situate in the city of Trenton, in the state of New Jersey, leaving Sarah Kline, his widow, and Peter Kline, Sarah Kline, Margaret Kline, and Benjamin Kline, his children and heirs at law; *And whereas* Sarah Kline, the mother and guardian of the persons of the said infants, hath represented to the legislature that a sale of the said real estate would be advantageous for the said infants, and hath prayed that a sale of the said real estate may be authorized in such manner as shall best promote the interests of the said infants; *And whereas* the guardian of the estates of said infants, in the state of New Jersey, hath concurred in the prayer of the said petition, and the same appearing to be reasonable and proper—
Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That Samuel McClurg, of the city of Trenton, be, and he is hereby appointed trustee, with full power and authority to make sale of all the real estate, in the city of Trenton, whereof Benjamin Kline, late of the county of Philadelphia, in the state of Pennsylvania, died seized, in such manner and upon giving such notice of the said sale or sales as is required by law in case of sales of real estate made by executors or administrators by virtue of an order of the orphans' court, and good, legal and sufficient deed or deeds therefor to make to any purchaser or purchasers thereof; which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate, all the right, title and interest whatsoever of the said widow and heirs at law of the said Benjamin Kline, deceased, of, in and to the said real estate, at the time of the said sale.

Sale of real estate authorized

Sec. 2. *And be it enacted,* That the said trustee shall keep a full, fair and just account of the sale or sales by him made by virtue of this act, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the orphans' court of the county of Hunterdon, within six months after such sale or sales shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said trustee, after deducting from the proceeds of the said sale or sales, all necessary costs and ex-

Account of sales to be made to Hunterdon county court.

Investment of
proceeds of
sale.

penses, and such reasonable commissions as shall be allowed by the said court, and after satisfying all legal liens upon the said real estate, shall invest the residue thereof, under the direction of the orphans' court of the said county of Hunterdon, and shall pay one-third of the interest of the said residue, as the same shall accrue, to Sarah Kline, the widow of the said Benjamin Kline, during her natural life, for her own use, as and for her dower in the said real estate, and the remaining two-thirds of said interest to the guardian of the persons of the said infants, to be applied to their benefit, until they severally attain the age of twenty-one years.

Final distribu-
tion of pro-
ceeds of sale.

Sec. 3. *And be it enacted*, That the said trustee shall pay unto the heirs at law of the said Benjamin Kline, deceased, as they severally attain the age of twenty-one years, such part, share and portion of the nett proceeds of the said sale or sales, first deducting therefrom the widow's third, as the said heirs are severally entitled to in the said lands under the law of this state directing the descent of real estate; and upon the death of the said widow, shall, in like manner, apportion the residue thereof; and in case either of the said heirs shall die before attaining the age of twenty-one years, then the share or portion of the person so dying, shall be paid to his, her or their heirs, designated by the act directing the descent of real estate, in such parts, shares and portions, as the said heirs would severally have been entitled to in the said real estate.

Trustee to give
bond to the go-
vernor.

Sec. 4. *And be it enacted*, That the said Samuel McClarg shall, before entering upon the execution of the trust reposed in him by this act, enter into bond to the ordinary or surrogate general of this state, in such sum, and with such security, being at least two sufficient freeholders, as the said ordinary shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the register's office of this state, and shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted in any court of record, at the request and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Rights of other
persons not to
be affected.

Sec. 5. *And be it enacted*, That no sale or conveyance made under or by virtue of this act, shall impair or in any wise affect the rights and interests of any person or persons whatever, other than the widow and heirs at law of the said Benjamin Kline, deceased, and those claiming under them, or either of them.

Passed, March 7, 1836.

**AN ACT to divorce Almira S. Douglass from her husband
Thomas W. Douglass.**

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Almira S. Douglass be, and she is hereby divorced from her husband, Thomas W. Douglass, and that the marriage contract heretofore existing between the said Almira S. Douglass and her husband, Thomas W. Douglass, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony.

T.W. Douglass
and A. S. Dou-
glass divorced.

Passed, March 7, 1836.

A SUPPLEMENT to the Act entitled "An Act to incorporate the Bordentown Water Company," passed February thirteenth, eighteen hundred and thirty-five.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That at any time after twenty years from the passage of this act, the borough of Bordentown, in its corporate capacity, may take from the company incorporated by the act to which this is a supplement, all the right, title and interest of the company aforesaid, by paying first cost therefor, with interest thereon.

Borough of
Bordentown
may buy
rights of water
company.

Sec. 2. *And be it enacted,* That the sixth section of the act to which this is a supplement, be, and the same is hereby repealed.

Part of former
act repealed.

Passed, March 7, 1836.

AN ACT to incorporate the Passaic Navigation and Manufacturing Company.

Books of subscription for stock to be opened.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That subscription books to the capital stock of the Passaic Navigation Company shall be opened within one year after the passing of this act, by Andrew P. Hopper, John F. Gray, Cornelius S. Van Wagoner, Abraham Reynolds, Roswell L. Colt, Robert Morrell, Ely Moore, Jacob M. Ryerson, Russel Stibbens, or any five or more of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one newspaper published at Paterson, and one in the city of New York.

Style of incorporation.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall be two hundred thousand dollars, to be divided into shares of fifty dollars each, and when one thousand shares are subscribed for and paid in, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "The Passaic Navigation and Manufacturing Company," and by that name shall have the power of manufacturing iron, steel, wool, cotton and paper, and to buy, rent, and hold such lands, tenements and water-power upon the river Passaic, as may be necessary and useful for the purposes aforesaid; and the same to sell, let, or otherwise dispose of, as they shall deem proper; shall have succession, and power to make and use a common seal, and by that name may sue and be sued, and shall have, enjoy, and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Powers.

Stock forfeited on failure to pay instalments.

Sec. 3. *And be it enacted,* That at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct and give public notice of, as aforesaid, at least thirty days previous to the time of making such payment; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every

person so failing to pay the said instalments, or any of them, to and for the use of the said company; *Provided*, that no two instalments shall be demanded within thirty days of each other.

Sec. 4. *And be it enacted*, That when one thousand shares of the said stock are subscribed for and paid in, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as herein before directed, with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share not exceeding twenty shares, and one vote for every additional five shares, by the holder or holders thereof, either in person or by proxy; *Provided*, that such proxy shall designate the intention of the owner or owners of said stock, relative to such election, as to the person or persons to be voted for, or otherwise they shall not be counted in such election.

Time and mode of annual election of directors.

Proviso.

Sec. 5. *And be it enacted*, That within twenty days after their annual election, as aforesaid, the said directors shall elect a president of their said company, who shall hold his office for one year, and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

President to be chosen.

Vacancies supplied.

Sec. 6. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, and all other officers, engineers,

Powers and duties of directors.

agents, superintendents, and servants, that may be required to transact the business of the company, with such compensation as they may determine upon; and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock, and for the general government of the company, and management of its affairs; *Provided*, the same are not repugnant to this charter, the constitution and laws of this state, or of the United States.

Proviso

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That if, from any cause, any election herein before named, shall not be had at the time specified therefor, the same may be made at any other time, on notice as aforesaid; and that until such election is had, the officers for the preceding year shall continue to hold their respective offices until others are elected in their stead; and that the charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Width and depth of canal.

Sec. 8. *And be it enacted*, That it shall be lawful for the said company to improve the navigation of the river Passaic, as may from time to time become necessary or useful, between Acquackanonk and Paterson; and to construct, make, erect, and execute one or more canal or canals, dam or dams, as may be necessary to effect the improvement of the said navigation; which canal or canals, shall be at least seventy-five feet wide at the water line, and not to exceed one hundred and fifty feet in width, including embankments, and the water therein be at least four feet deep throughout, reserving to the society for the establishing useful manufactures, all their water rights down the Passaic river, to the division line between the said society, and the property lately owned by Adrian Vanhouten, commonly known as Passaic garden lot.

Powers of the company.

Sec. 9. *And be it enacted*, That it shall be lawful for the company to construct, make, and execute, towing paths, all the locks, works, devices, wharves, toll houses, and offices, necessary for the use of said canal and canals, and for the improvement of the navigation of the said river Passaic; and it shall and may be lawful for the said company, by the president and directors, and by any agent, engineer, superintendent, or contractor, or any other person or persons employed in the service of said company, to enter from time to time, and at all times, upon all lands, whether covered with water or not, for the purpose of exploring or surveying the route or routes for said canal and canals, and locating the several works as above specified, doing

thereunto no unnecessary damage; and when the said route or routes shall have been fixed upon, and its several works located by the president and directors, or a majority of them, and a survey thereof deposited in the office of the Secretary of State, then it shall be lawful for them, and for any agent, superintendent, engineer, contractor, or any person or persons employed in the service of said corporation, at any time to enter upon, take possession of, and use all and singular such lands, waters, and streams, subject to such compensation to be made therefor, as is hereinafter directed.

When company may enter on lands.

Sec. 10. *And be it enacted,* That when the said company, or its agents, cannot agree with the owner or owners of any such required lands or materials for the use or purchase thereof, or in case any such owner or owners thereof, shall be feme covert or under age, non compos mentis, or reside out of the state, that it shall and may be lawful to, and for the said directors to apply to any justice of the Supreme Court of this state, who, upon such application, is hereby authorized and empowered, enjoined and requested to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county, in which such lands and tenements shall be, commanding him, that by the oaths or affirmation of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands, tenements, or hereditaments, necessary to be used by the said directors, or which may be injured in improving said navigation, and in erecting and making said canal or canals, dam or dams, which person or persons shall be named, if known, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any and what damages, by reason or means of taking such lands, tenements, or other real hereditaments, gravel, or materials, necessary or expedient for the use of such canal or canals, dam or dams, or the repairs thereof, or the works thereto belonging; and to return the said writ together with the finding of such jury, to the next Supreme Court of this state, after the finding thereof, on or before the first day of said term; and upon such writ being delivered to the said sheriff, he shall give at least twenty days' notice in writing to all and every the owner or owners of the lands and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper printed in the town of Paterson, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, not residing in any

Proceedings when company and owners of land cannot agree.

township bordering on that part of the Passaic river, hereby contemplated, to be improved as aforesaid, who shall be selected in such manner, and upon like notice to the parties, as such juries usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matter and things in the said writ specified, and a true inquisition make, according to the best of their skill and judgment, without favor or partiality; and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements, in such writ specified, and having considered the quantity of lands, materials, or other matter and things necessary or requisite to be vested in said company, for the purposes aforesaid, they shall cause the same to be minutely and accurately described by metes and bounds, or other particular descriptions, and shall appraise the value of lands and the injury or damages, if any, which the owner or owners of said lands, tenements, or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the company, or by means of such improvements being destroyed or rendered useless, or of less value, defining and ascertaining, as well all such lands and tenements, and privileges so to be vested in said company, as the several sums at which the said injuries and damages shall be so assessed; and in making such valuation and appraisement, it shall be the duty of the jury or juries, to allow compensation for the lands, tenements, and hereditaments to be taken for the use aforesaid, at the fair value they would have come to before the location of the said canal or canals, and a full value for all gravel, and other materials that may be used by the said company for the purposes aforesaid; and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the Supreme Court, according to the command of the court, and the justices of the said court shall examine the same, at the term to which it is returned, and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights, and privileges, intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment, and the said company paying the said inquisition assessed, or bringing the same into the said court, over and besides the cost of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns, forever, all and every the lands, tenements, rights, and privileges, in the said inquisition described, as fully and effectually, as if the same had been grant-

ed to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition de novo; and upon payment or bringing into court all such moneys as by such judgment as shall be required to be paid or brought into court, all such lands, tenements, rights, and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized and possessed thereof, in like manner as the then late owner or owners was, or were, seized or possessed thereof.

Sec. 11. *And be it enacted*, That it shall be the duty of the company to construct and keep in repair, good and sufficient bridges or passages over the said canal or canals, where any public or other roads shall cross the same, so that the passage of carriages, horses, and cattle on said roads, shall not be prevented thereby, and also where the said canal or canals shall intersect the farm or lands of any individual, to provide and keep in repair a suitable bridge or bridges as aforesaid, so that the owner or owners and others may pass the same. O
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Sec. 12. *And be it enacted*, That the said company are hereby authorized to demand and receive such sum or sums of money, for tolls and the transportation of persons and every species of property whatsoever, on said canal and canals, as they shall from time to time think reasonable and proper: *Provided*, that they shall not charge more than at the rate of four cents per ton per mile toll, for the transportation of every species of property, nor more than five cents per mile, toll, for the carrying of each passenger on the canal and canals, and the river Passaic between the places aforesaid; and that the said canal and canals, and their appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatever belonging to the company, are hereby vested in the said company incorporated by this act, and their successors, for and during the continuance of this charter; and the shares of the capital stock shall be deemed and considered personal estate, and transferrable in such manner as the said corporation shall by their by-laws direct. R
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Sec. 13. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper, of the nett profits thereof: and shall semi-annually declare such dividend, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, or in case they fail so to do, assign their reasons to the stockholders, in writing, for not doing so. S
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Sec. 14. *And be it enacted*, That under the powers, re-

Company may
alter route

strictions, and conditions, stipulated and prescribed in the foregoing enactments, it shall be lawful for the company aforesaid, to alter any part or parts of the route of the canal or canals, if in constructing the same they meet with any insurmountable obstructions, arising from rocks or other physical causes, making compensation to owners, as herein before directed.

Canal a public
highway

Sec. 15. *And be it enacted*, That the said canal and canals, and the river Passaic, and the works to be erected thereon, in virtue of this act, for the transportation of passengers and freight as aforesaid, when so far completed as to be used, shall be esteemed a public highway, free for the transportation of passengers, or any goods, commodities, or produce whatever, on payment of the established tolls.

Penalty for
injuring works
of Company

Sec. 16. *And be it enacted*, That if any person or persons shall, in any manner, wilfully or maliciously destroy, injure, or obstruct said canal or canals, dam or dams, or any of their parts or works therewith connected, or unnecessarily and maliciously open any gates thereon, he, she, or they, shall forfeit and pay to the said company, any sum not exceeding one hundred dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and also be liable to pay double the amount of damages sustained thereby.

Capital stock
may be increa-
sed.

Sec. 17. *And be it enacted*, That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company to any sum so as not to exceed three hundred thousand dollars in the whole, by increasing the number of shares for that purpose.

Restrictions.

Sec. 18. *And be it enacted*, That no part of said original or increased capital, shall be used for banking or other purposes not clearly indicated in this act, under the penalty of forfeiting this charter.

Restrictions
of the powers
of the compa-
ny

Sec. 19. *And be it enacted*, That all and every part of this act, shall be so construed as that the said corporation shall not be authorized to take or appropriate any lands or water for the purposes of manufacturing or any thing appertaining thereto, except by donation or private contract, from the owners thereof, nor be so construed as to affect the right granted to John S. Van Winkle and Brant Van Blarcom, their heirs and assigns, to erect a dam across the Passaic river, or the chartered rights of the Dundee Manufacturing Company, and by virtue of this act, no inquest shall be made whereby water power now created upon the Passaic river shall become vested in this company, nor shall said company by inquest as herein provided, become vested with any lands and tenements, except such as are indispensably necessary for the purposes of the navigation as aforesaid.

Sec. 20. And be it enacted, That as soon as said canals with the appendages necessary for rendering the river navigable as aforesaid, shall be finished and completed, the president and treasurer of said company, under oath or affirmation, shall file a statement in the office of the Secretary of this State, of the actual costs of said improvements, including all expenses, and annually thereafter, the president and treasurer of said company shall make a statement to the Legislature of this state, under like oath or affirmation of the proceeds of said canals and navigation; and as soon as the nett proceeds thereof, shall amount to six per cent. per annum upon its whole costs, said corporation shall pay the treasurer of this state, a tax of one half of one per cent. per annum on the costs of said navigation improvements, to be paid annually, on the first Monday of January in each year: *Provided*, that no other tax for the use of this state, shall be imposed upon the said corporation therefor: *Provided also*, that the said corporation shall have ten years' from the passing of this act, to complete the improvement of the said navigation as aforesaid, and if the same be not finished in ten years as aforesaid, the charter hereby created shall be forfeited, and if the same shall be finished within ten years, this act shall be and remain in full force and virtue, thirty-five years from the passing of this act: *Provided nevertheless*, that the Legislature of this state may, for proper cause, at any time hereafter, alter, modify, and amend this charter.

Cost of canal
to be filed with
Secretary of
State.

Provide.

Passed, March 7, 1836.

**AN ACT to authorize the sale and conveyance of the
real estate, late of Wilson Hunt, deceased.**

WHEREAS Wilson Hunt, Esq., late of the city of Philadelphia, in the state of Pennsylvania, departed this life on or about the seventeenth day of September, in the year of our Lord one thousand eight hundred and thirty-five, intestate, and the said Wilson Hunt, at the time of his decease, was seiz-

Preamble

ed in fee simple of certain real estate situate in **Lamberton**, in the county of **Burlington**, and state of **New Jersey**, consisting of a store house and wharf, on the river **Delaware**, and dwelling house and lot of land; *And whereas*, the said premises remain undivided, by reason of being held subject to the payment of an annual ground rent, and of the minority of certain of the heirs of the said **Wilson Hunt**, and are suffering for want of proper repairs and attention, which cannot be made or done for the reasons aforesaid; *And whereas*, the said **Wilson Hunt** died without a widow or children, leaving, as his heirs at law, **Westley P. Hunt** and **Theodocia P. Hunt**, of the state of **New Jersey**, **Robert A. Hunt**, of the state of **Pennsylvania**, **John Hunt**, of the state of **Kentucky**, and three children of **Theodore Hunt**, of the state of **Missouri**; *And whereas* it is represented to the legislature that the said heirs are desirous that the said real estate should be sold, and that their interest would be much enhanced thereby—Therefore,

Lands authorized to be sold

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That **Westley P. Hunt**, of the city of **Trenton**, and state of **New Jersey**, and **Robert A. Hunt**, of the county of **Bucks**, and state of **Pennsylvania**, and the survivor of them, be, and they are hereby authorized and empowered to grant, sell, convey, and dispose of the said real estate, at such times and in such parcels, at public sale, first giving notice thereof as executors and administrators are by law required to do, as to them may seem expedient and most advantageous, for the best price or prices they can obtain for the same; and for the same, when sold, or any part thereof, to make and execute, in due form of law, in their own names, or in the name of the survivor of them, a good and sufficient deed or deeds of conveyance to the purchaser or purchasers, of all the right, title and interest of the deceased at the time of his death.

Statement to be filed

Sec. 2. *And be it enacted*, That the said **Westley P. Hunt** and **Robert A. Hunt**, or the survivor of them, shall, within six months after making any sale or sales as aforesaid, make and exhibit, under oath or affirmation, a statement of such sale or sales, and the expenses thereof, and shall cause the same to be filed in the office of the surrogate of the county of **Burlington**.

Bond to be given to the governor.

Sec. 3. *And be it enacted*, That before the said **Westley P. Hunt** and **Robert A. Hunt** undertake to execute the authority given to them by this act, they enter into bond to the governor of this state, with two or more sufficient sureties, to

be by him approved of, in such amount as he shall direct, conditioned for the true and faithful performance of all their duties under this act, which bond shall be filed with the register of the prerogative court.

Sec. 4. *And be it enacted*, That the said Westley P. Hunt and Robert A. Hunt, or the survivor of them, shall keep a true and fair account of any sale or sales made by them or either of them, by virtue of this act, and of the expenses thereof; and after deducting the same, shall pay over the balance to the heirs at law of the said Wilson Hunt, deceased, in such shares and proportions as the said heirs would be entitled to under the laws of the state of New Jersey directing the descent of real estate. Distribution of proceeds of sale.

Sec. 5. *And be it enacted*, That no sale or deed of conveyance which may be made by virtue of the authority granted by this act, shall alter, impair, or in any way affect the right, title, interest or claim of any person or persons whatsoever of, in or to the said real estate, or any part thereof, other than that of the said heirs at law of the said Wilson Hunt, deceased. Rights of others not to be affected

Passed, March 7, 1836.

**AN ACT relative to the Bridge over Great Mantua Creek,
in the county of Gloucester, at a place called Crown
Point.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the board of chosen freeholders of the county of Gloucester, to rebuild and maintain a good and sufficient bridge over Great Mantua creek, with or without a draw therein, at a place called Crown Point, in the townships of Deptford and Greenwich, and the draw, if any, to be fixed in that part of said bridge where the vessels may pass through with the greatest convenience, and that the main arch wherein the draw, if any, is fixed, shall be at least twenty-five feet wide. Chosen freeholders to build a bridge

Penalty for
leaving draw
open

Sec. 2. *And be it enacted,* That if any shallop-man, or other person or persons shall hoist the draw in said bridge, and leave the same hoisted, so as to prevent travellers and others from passing over the same for more than fifteen minutes when the same is not absolutely necessary for the passage of some vessel through the same, or if any person or persons shall cut, remove or destroy any piece or pieces of timber, or any plank or planks, belonging, or a part of said bridge, draw, posts or piles, or shall remove any piece or pieces of timber, or any plank, or otherwise wilfully damage, or do any act which may have a tendency to injure said bridge, unnecessarily, he, she, or they so offending, shall for each and every offence forfeit and pay the sum of fifty dollars over and above the damage done to said bridge or draw, to be recovered in an action of debt before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county collector, to and for the use of the county of Gloucester.

Former act
repealed.

Sec. 3. *And be it enacted,* That all former acts in reference to the aforesaid bridge be, and the same are hereby repealed.

Passed, March 7, 1836.

AN ACT to extend the trusts created in the will of Caleb Wheeler, deceased.

Lands autho-
rised to be sold

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That James Bruen, William Pennington, and Ambrose Williams, esquires, of Newark, in the county of Essex, be, and they are hereby authorized and fully empowered to sell at public vendue, in such manner, and at such time, and upon such notice as they shall think proper, the house and lot of land situated upon the corner of Market and Mulberry streets, and also the pew in the first Presbyterian church in

Newark, being the homestead and the residue of the real estate of the said Caleb Wheeler, deceased, and to make, execute, and deliver good and sufficient deeds of conveyance therefor, and after deducting the reasonable expenses of the said sale, all the moneys arising therefrom shall be paid to and received by the said James Bruen and William Pennington, esquires, and the survivor of them, as executors and trustees under the said will, to be held, invested, appropriated and distributed, according to the devises and trusts set forth and contained in the said last will and testament of the said Caleb Wheeler, deceased, and that the said James Bruen, and William Pennington, and the survivor of them, account in the same manner as if the said property had been sold and conveyed by them under the provisions of the said will.

Passed, March 7, 1836.

AN ACT to incorporate the New Jersey Silk Manufacturing Company, of the County of Warren.

WHEREAS William C. Morris, George Green, and John M. Sherrerd, of Belvidere, in the county of Warren, have, by their petition represented, that they are desirous of purchasing land, planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk in all its various branches, and all articles of which silk is a component part—Therefore,

Pream

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said William C. Morris, George Green, John M. Sherrerd, and such other persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The New Jersey Silk Manufacturing Company of the County of Warren," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, and all articles of which silk is a principal part, and dying, printing, and bleaching the

Style o
corporat

Objects
corporat

What real estate may be held

same; and that, by that name, they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, not to exceed fifty acres, tenements, hereditaments, goods, wares and merchandizes whatsoever, in the county of Warren, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees, which shall have been obtained for such debts; *Provided always* that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations.

Time and mode of electing directors,

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, and citizens of the state of New Jersey, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the said county, where such election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as

may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall at the same or some other time, elect an acting manager, or managers, and such agents of the said company, as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, the secretary, managers, or agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint.

President to be chosen.

Vacancies supplied.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when, and as soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or satisfactorily secured to be paid, to purchase land, and mulberry trees, and erect the necessary buildings and machinery, sufficient to commence the said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are hereby authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such time, and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payment shall have been published for that time in one or more newspapers published in the county where such payment shall be required to be made.

Amount of capital

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferrable in such manner as shall be prescribed by the by-laws of said corporation; *Provided*, that no dividends shall be made to, and amongst the stockholders, except from and out of the profits of the said corporation.

Stock personal property, and mode of transferring.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation; and the officers

Corporation not dissolved for failure to elect on day prescribed.

of the preceding year shall hold their offices, respectively, until said election, or until others are appointed in their stead.

Powers and
duties of di-
rectors.

Sec. 6. *And be it enacted*, That a majority of the directors for the time being, shall form a board for the transacting the business of the corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the laws and constitution of the United States, or of this state, as shall appear needful and proper, touching the management and disposition of the stock, estate, property, effects and profits of the said corporation, officer's appointments, clerks, managers, agents, or workmen's salaries and allowances, as to them shall seem necessary, and may at their discretion remove or discharge from their employ any manager, agent, secretary, clerk, or other person engaged in said factories or business, and supply their places by the appointment of others in their stead.

Books to be
kept open to
inspection of
stockholders.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their manufactory or manufactories, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of said company.

Transfer book
to be kept.

Sec. 8. *And be it enacted*, That no transfer of stock shall be valid until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Limitation

Act may be al-
tered or repeal-
ed.

Sec. 9. *And be it enacted*, That this act shall be in force for thirty years; and the legislature may at any time alter, amend, or repeal this law.

Passed, March 7, 1836.

AN ACT to incorporate the Milford Delaware Bridge Company of the county of Hunterdon.

WHEREAS it is represented to the Legislature, by the petition of a number of the inhabitants of the county of Hunterdon, that the erection of a bridge over the Delaware River, at Milford, would be a great convenience and accommodation to the public—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the capital stock of the Milford Delaware Bridge Company, shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock, shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in such proportions as the directors of the said company may determine.

Sec. 2. *And be it enacted,* That Daniel Vansyckel, George Carpenter, Wilson Housel, Peter Tomson, William Vanderbilt, senior, John Duckworth, Cornelius Ludlow, Johnathan Pickle, and John Eckel, Samuel Cooley, be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the said capital stock, at such times and places, as they or a majority of them may direct, giving notice thereof in one or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in one or more of the newspapers printed in the county of Hunterdon, in this state, for at least twenty days, of the times and places when and where the said subscriptions shall be received, and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall, from time to time direct, and give public notice of, as aforesaid, and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person failing to pay the said instalments, or any of them, to and for the use of the said company: *Provided*, that if the number of shares subscribed for shall exceed the amount or

number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid.

Style of incorporation.

Proviso

Sec. 3. *And be it enacted*, That when two hundred shares are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "The Milford Delaware Bridge Company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfill the intent of this act : *provided*, such increase does not, with the original subscription, exceed the aforesaid capital of twenty thousand dollars, and the increase and profits, and of purchasing, taking, and holding, to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of law and equity in this state.

Time and mode of election of first officers.

Sec. 4. *And be it enacted*, That as soon as two hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice in one or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in the county of Hunterdon, in this state, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company, for one year, and until other officers shall be appointed ; and may make such by-laws and regulations, not inconsistent with the laws and constitution of this state, or of the United States, as shall be necessary for well ordering the affairs of the said company ; *provided*, that no person shall have more than twenty votes at an election, or determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held, not exceeding ten ; one vote for every two shares above ten, and not exceeding twenty, and one vote for every five shares above twenty, until the number of votes amount to twenty.

Sec. 5. *And be it enacted*, That the stockholders shall

meet on the first Monday in November, in every succeeding year, at such place as shall be fixed by the by-laws of the said company, for the purpose of choosing such officers for the ensuing year.

Sec. 6. *And be it enacted*, That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively signed by the president, and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject however to the payments due and that may grow due thereon, and the assignee holding any certificates having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Sec. 7. *And be it enacted*, That the said president and directors shall meet at such times and places and be convened in such manner as shall be agreed on, for transacting their business; at such meetings five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary to carry on the said bridge, and to complete the same, and fix their salaries and other wages, to determine the time, manner, and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulation of the said company shall be lawful.

Sec. 8. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, at Milford, as aforesaid, and before the president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the justices of the Supreme Court of this state, not being a stockholder or otherwise interested,

who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of the state, who, after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all necessary works and roads to and from the same, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid; and shall report what sum shall be paid by the said company for the same, which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them; and shall return the same, together with a map describing the metes and bounds of such lands and tenements, to the Supreme Court next after they shall have agreed upon and signed the same; and the said report having been confirmed by the said Supreme Court, shall be filed in the clerk's office of the said court, with the map aforesaid; and the said president and managers having paid the said owners respectively, the several sums awarded to be paid to them, in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each, for every day employed in the said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon and not before, for the said president and directors to enter upon the said lands and tenements, and to commence and to complete the erection of the said bridge.

When company may enter on lands.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers, and artists, of every kind, to enter into and upon all lands and enclosures near to the place where the said bridge is to be built; and to examine the ground, for the purpose of obtaining stone, gravel, or sand, necessary for the building of the said bridge; and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds, or sleighs, or beasts of burden or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damage that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement

thereof, to be made upon the oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owner, or managers, or superintendents, engineers, or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county not interested on either side: and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take, and carry away, any stone, gravel, sand, or earth, most conveniently situated for making and repairing said bridge.

Sec. 10. *And be it enacted,* That the president and directors of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work; and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges, and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

Sec. 11. *And be it enacted,* That when a good and complete bridge is erected over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns for ever; and the said company, their successors and assigns may demand and receive toll from travellers and others not to exceed the following rates:

For every coach, landau, chariot, phaeton, or other pleasurable carriages with four wheels, drawn by four horses, the sum of seventy-five cents.

For the same carriage with two horses, the sum of fifty cents.

For every wagon with four horses, the sum of sixty-three cents.

For every carriage of the same description, drawn by two horses, the sum of fifty cents.

For every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-one and a fourth cents.

For the same with one horse, the sum of fifteen cents.

For a single horse and rider, the sum of ten cents.

For every led or driven horse or mule, the sum of five cents.

For every foot passenger, the sum of two cents.

For every head of horned cattle, the sum of three cents.

For every sheep or swine, the sum of half a cent.

Proviso.

Provided, that all persons going to and returning from funerals, persons going to or returning from meeting or church, children going to and returning from school, shall pass free of toll; *Provided also*, that in fixing the toll of all carriages drawn wholly by oxen or partly by horses and partly by oxen, the same shall be charged as though drawn exclusively by horses: and the said company shall so erect the said bridge as in no wise to injure, stop or interrupt the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the said river.

Penalty for injuring bridge.

Sec. 12. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break or remove, from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending, shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof.

Penalty for taking unlawful tolls.

Sec. 13. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge, than what are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence, forfeit and pay the sum of thirty dollars, one-third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one-third thereof for the use of the poor of the township of Alexandria, in the county of Hunterdon, and state of New Jersey, and the other third for the use of the person who may sue for the same; *Provided always*, that no suit or action shall be brought unless within sixty days after such offences shall be committed.

Mode of ascertaining damages to ferries and fisheries.

Sec. 14. *And be it enacted*, That the said president and directors shall have power to agree with any owner or owners of ferries or shad fisheries that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case, the said damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act; *Provided*, that no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Sec. 15. *And be it enacted,* That the said president, directors and company shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund to provide against the decay and for the rebuilding and repairing of the said bridge, and shall on every first Monday in May and November, in each and every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

Dividends to be made.

Sec. 16. *And be it enacted,* That this act shall not take effect, or go into operation, until the legislature of the commonwealth of Pennsylvania shall pass a law, appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments, as to the said company are hereby given.

Act not to take effect till similar act passed by Pennsylvania

Sec. 17. *And be it enacted,* That nothing in this act contained shall be so construed as to authorize the said Bridge Company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes; the legislature reserve the right of altering, modifying or amending this charter whenever they think proper.

Restrictions.

Act may be altered.

Passed, March 8, 1836.

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AN ACT to provide for the instruction of indigent Blind Persons, inhabitants of this State.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority

Appropriations for instruction of the blind

of the same, That a sum not exceeding two thousand dollars be appropriated annually, out of any moneys in the treasury not otherwise appropriated, to be applied, under the direction of the governor, or person administering the government, for the instruction, or placing for instruction in some suitable or convenient institution established for that purpose, such indigent blind persons, inhabitants of this state, as may be duly recommended to him by the board of chosen freeholders of the county in which such indigent blind person may reside, stating that said blind person is in such indigent circumstances as to be unable, from their own resources, or those of their parents or guardians, to obtain instruction for themselves, and is of good natural capacity; *Provided*, each person so to be instructed, shall have attained the age of seven years; *And provided also*, the amount per annum for any one individual shall not exceed the sum of two hundred dollars, nor the term of instruction five years; *Provided further*, that if the said sum of two thousand dollars herein appropriated shall not be used or exhausted in any one year, then the balance may be applied to the purposes mentioned in this act in any subsequent year or years, in addition to the appropriation for such subsequent year or years.

Provide.

When act to go into effect

Sec. 2. *And be it enacted*, That this act shall go into effect on and after the first day of April next.

Passed, March 8, 1836.

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AN ACT authorizing the sale of certain real estate, late of Andrew Agin, deceased, in the County of Somerset.

Preamble.

WHEREAS it has been made to appear to the legislature of this state, that Andrew Agin, late of the county of Somerset, died seized of a small farm, situate in the township of Bernard, in said county, leaving three children, who are now minors, under the age of twenty-one years, to whom he devised his real estate, equally to be divided between them, when the youngest should have arrived at the age of twenty-one years, the youngest of whom is now about

eleven years of age; that a large part of the value of said farm consists in the wood and timber on the same, which is not growing any better; that the buildings thereon are old and going rapidly to decay; and that the same may now be advantageously sold; and it appearing that it will be for the benefit and advantage of the children and widow of said deceased, that the lands of the said deceased should be sold as soon as may be, and the proceeds thereof properly vested and secured—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That James Freeman, the testamentary guardian of the children of the said Andrew Agin, deceased, be, and he is hereby authorized and empowered to sell at public sale, first giving such notice as executors or administrators are bound by law to give, for the best price he can get for the same, the lands and tenements with the appurtenances, that were of the said deceased, and conveyance or conveyances thereof to make, that shall vest in the purchaser or purchasers, all the title, estate, and interest therein, of which the said Andrew Agin, deceased, died seized; and he is hereby required to put out at interest on good security, the moneys arising from such sale; to pay to the widow of said deceased, yearly and every year, during her natural life, the interest of the one-third part of the proceeds of such sale; and to apply the interest of the other two-third parts of the proceeds of such sale, to and for the use and benefit of the children of the said deceased, until the youngest surviving shall arrive to the the age of twenty-one years; and then, his reasonable and necessary expense and reasonable compensation being deducted, to divide all the moneys that shall then belong to the estate of the said deceased, among the children of the said deceased, the survivor or survivors of them, or their legal representatives; always taking care to secure to the widow of the said deceased, the interest of the one equal third part of the nett proceeds of such sale, during her natural life; *Provided always,* that before the said James Freeman shall enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, in such sum, and with such sureties, as the judges of the orphans' court or surrogate of the county of Somerset shall approve, conditioned for the true and faithful management and disposition of the proceeds of the sale of said real estate, and due performance of the trusts reposed in him by this act, to be deposited in the office of the surrogate of said county of Somerset.

Sec. 2. *And be it enacted,* That nothing contained in this

Restrictions.

act shall be so construed as to alter the descent, but that the same shall descend, as if the property hereby authorized to be sold had remained real estate.

Passed, March 8, 1836.

AN ACT to incorporate the Alloways Creek Navigation Company in the county of Salem.

Books of subscription for stock to be opened.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That subscription books to the capital stock of "The Alloways Creek Navigation Company, of the county of Salem," shall and may be opened within one year after the passing of this act, by John H. Lambert, William F. Reeve, and George Remster, or any two of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they or a majority of them may direct, giving public notice thereof at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed and published in the county of Salem.

Amount of capital stock.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall be seventy thousand dollars, to be divided into shares of twenty-five dollars each, and when two hundred shares of said stock are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "The Alloways Creek Navigation Company of the county of Salem," and by that name shall have the power to use and employ their funds, from time to time, in the clearing out, deepening and otherwise improving the navigation of Alloways Creek, in the county of Salem, by removing logs, trees, sand bars, mud-flats, shoals or other obstructions out of the said creek, wherever the same shall be found; and in the purchase or construction of all necessary machines, tools and other materials to effect said purpose; and shall have the right to make and use a common seal, and by that name, may sue and be sued, and shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry into effect the objects of this act.

Objects of incorporation.

Sec. 3. *And be it enacted,* That at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them, which money shall be paid over to the treasurer of said company, as soon as one is elected; and that the residue of such subscriptions shall be paid in such instalments, not exceeding five dollars each, and at such times and places, and to such persons as the directors of the said company shall from time to time direct, and give public notice in the Salem newspapers, as aforesaid, at least thirty days previous to the time appointed for such payment; and upon failure of payment thereof, as so directed, the shares of such defaulter may be forfeited, or the said company may sue for and recover the same by action of debt with costs; *Provided*, that no two instalments shall be demanded within thirty days of each other.

Sec. 4. *And be it enacted,* That when two hundred shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as herein before directed, with regard to the opening of the books; at which meeting, the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, five directors, who shall be citizens of this state, to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, who shall be citizens of this state as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share by the holder or holders thereof, either in person or by proxy; *Provided*, that such proxy shall designate the intention of the owner or owners of said stock, relative to such election, as to the person or persons to be voted for, or otherwise they shall not be counted in such election; and within twenty days after such election, said directors shall elect a president of their said company, who shall hold his office for one year, and until another shall be elected, and receive such compensation for his services, as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be equally divided; he shall have the charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person of their number, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Powers.

Sec. 5. *And be it enacted,* That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, and all other officers, engineers, agents, superintendents, and workmen, that may be required to transact the business of the company, with such compensation as they may determine upon; and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, upon vessels navigating said creek, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws, as they may deem expedient for regulating the transfers of stock, the imposition of tolls and the collection thereof, and for the general government of the company, and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state, or of the United States; *and provided also*, that the tolls shall not in any case exceed twenty-five cents per ton, upon any vessel navigating the said creek.

Rates of toll.

Sec. 6. *And be it enacted,* That the said company are hereby authorized and empowered to demand, receive and take, and if need be, sue for and recover, such sum or sums of money for tolls on all vessels navigating said creek, after they shall have deepened the said creek, or removed the obstructions therein, or any or either of them, at and after the following rule for that purpose prescribed, viz.: on all vessels drawing more than three feet water loading above Bee's Landing, a toll, not to exceed twenty-five cents per ton, from thence to "Fogg's Landing," on all vessels drawing more than five feet water, not to exceed twenty cents per ton, from thence to "Gosling's Shoals," on all vessels drawing more than five feet six inches water, not to exceed fifteen cents per ton, from thence to "Brown's Shoals," on all vessels drawing more than six feet water, not to exceed ten cents per ton, and from thence to and over the "Square" on all vessels drawing more than six feet six inches water, not to exceed five cents per ton, and such rates are to be imposed upon the custom house tonnage of such vessel.

Proceedings
when compa-
ny and own-
ers cannot
agree

Sec. 7. *And be it enacted,* That it shall and may be lawful for the said companies to use the excavated mud or earth taken from said creek, and such other earth, dirt, or mud, as they can obtain, in the construction of a tow-path upon the bank, on either side of the said creek, of such width and dimensions as shall be necessary, if the consent of the owner or owners of said land can be first had and obtained; and if the said company or its

agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land, and the length of time it will be so required for the use of the said company, in the construction of the said tow-path, shall be given, in writing, under oath or affirmation of the president of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the Inferior Court of Common Pleas of the county wherein the lands may be situated, who shall cause the said company to give notice thereof to the persons interested, if known and in this state; or if unknown, and out of this state, to make publication thereof, as he shall direct, for any term, not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, judicious and impartial freeholders, resident in the county where the lands may be situated, commissioners to examine and appraise the annual value of said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the judge making such appointment, and it shall be the duty of the said commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, view the premises, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the yearly value of the same, and assessment of the damages, if any, which shall be paid by the company, for the yearly rent of said land, and damages aforesaid, and the length of time the said corporation shall hold the same, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of land, and the appointment and oaths, or affirmations aforesaid, in the clerk's office in the county where such lands are situated, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall, at all times be considered as plenary evidence of the right of said company to use, occupy, possess, and enjoy the said land, for a tow-path, for the time so fixed, or of the said owner or owners, to recover the amount of said valuation, with interest and costs,

in action of debt, in any court of competent jurisdiction, a suit to be instituted against said company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and either of the judges of the said Inferior Court of Common Pleas shall, on application of either party, and on reasonable notice to others, tax and allow such costs, fees, and expenses to the judges of the said court, commissioners, clerks, and other persons performing any duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances; and it shall be the duty of the said company to make, keep up, and maintain, upon the said tow-path, at proper places, where the same crosses the line of lands of two individuals, swinging gates, to prevent the trespass of horses or cattle upon the lands of circumjacent owners.

Capital stock
may be increased.

Sec. 8. *And be it enacted*, That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company, any sum not exceeding fifty thousand dollars, by increasing the number of shares for that purpose.

Act may be
altered or re-
pealed.

Sec. 9. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall be as such esteemed and taken in all courts of this state, and the Legislature may, at any time hereafter, alter, amend, or modify this act, whenever the public good requires it.

Passed, March 8, 1836.

A SUPPLEMENT to the Act entitled "An Act to incorporate the City of Jersey, in the County of Bergen," passed January twenty-third, eighteen hundred and twenty-nine.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the board of select men and inhabitants of Jersey City, to assess the real estate in said city, for the improvements made in regulating the streets, alleys, and lanes therein, and in paving, flagging and gravelling the same; and the amount of all assessments which shall be made and authorized by the said board for the costs and expenses of said regulating, paving, flagging and graveling, shall be and remain a lien upon such property as shall be improved and assessed from the time of the completion of the assessment by the board for the regulating, paving, flagging and gravelling the same, until paid.

Assessments
may be made

Sec. 2. *And be it enacted,* That on the return of the collector of the board of any unpaid assessment, it shall be lawful for the said board to lease the lot or lots so assessed and unpaid, at public auction, to such person or persons who will take the same at the shortest period of time, and pay such assessment and all charges and interest thereon, due at the time of such sale; *Provided,* notice be first given in one or more newspapers published in the county of Bergen, and by a notice put up at three of the most conspicuous places in said city, for at least sixty days, of the time and place of such sale, describing the property assessed and the amount due thereon.

Lots may be
leased by cor-
poration

Sec. 3. *And be it enacted,* That such property may be redeemed within two years from the day of the sale, on the payment of the amount of such sale to the treasurer of said board, with interest from the day of such sale, at the rate of twenty per cent. per annum, for the benefit of the purchaser.

Conditions on
which prop-
erty may be re-
deemed.

Sec. 4. *And be it enacted,* That all taxes and assessments paid thereon by the lessee, within the said period of two years allowed for the redemption; shall also be paid by the person or persons redeeming the same, and at the same time, to said treasurer, with interest, at the rate of twelve per centum per annum, for the benefit of such lessee.

Sec. 5. *And be it enacted,* That said board shall give public notice, in manner mentioned in the second section of this supplement, for six months, immediately preceding the expi-

Selectmen to
give notice

ration of the period of redemption of such sale, describing the property unredeemed, and stating the amount of such sale, and time the lease will be complete, unless redeemed by the payment of the purchase money and all charges thereon.

Sale may be postponed

Sec. 6. *And be it enacted*, That the day of sale may be postponed, from time to time, or suspended, as the board of select men may deem expedient.

Lots must be surrendered

Sec. 7. *And be it enacted*, That the said term of years of any lot or lots so leased, as aforesaid, shall not commence until the time for the redemption of the same has expired, and the said lessee shall, at the expiration of the said lease, quit and surrender the said premises, and the improvements so made, in as good state and condition, as when he entered thereon, natural wear and accidents excepted.

Grounds may be purchased for a public square

Sec. 8. *And be it enacted*, That the said board be, and they are hereby empowered to acquire by purchase, or other lawful mode, the grounds situate between Grand and Sussex streets, in the city of Jersey, and on the east side of Washington street, and to appropriate the same for the purpose of a public square, and upon such acquisition and appropriation of the said grounds, it shall be lawful for them to vacate the present public square, and to sell the same in lots or otherwise for the use of the inhabitants of said place, and to make good and sufficient deeds of conveyance therefor; *Provided nevertheless*, that the acts and doings of the said board in relation to the powers granted in this section, shall be of no effect unless the same be sanctioned and approved by a majority of the corporators, in manner prescribed in the proviso to the seventh section of the act to which this is a supplement.

Passed, March 8, 1836.

A FURTHER SUPPLEMENT to the Act entitled "An Act to incorporate Trustees of Religious Societies," passed seventeen hundred and ninety-nine.

WHEREAS it is represented that according to the constitution, usages and customs of the German Reformed Churches, the minister, elders and deacons thereof, for the time being, have the management of the temporalities of the said churches, in like manner as the minister, elders and deacons of the Reformed Dutch Churches within this state —Now therefore,

Preamble]

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the provisions of the said act, relating as well to the incorporation, as to the rights, privileges and duties of the said Reformed Dutch Churches, shall be, and they are hereby extended to all such German Reformed Churches as may now or shall hereafter be constituted within this state, as fully and entirely as though they had been named in said act.

Privileges of reformed Dutch extended to German reformed churches

Passed, March 8, 1836.

A SUPPLEMENT to an Act entitled "An Act to incorporate the Clinton Manufacturing Company," passed February first, eighteen hundred and thirty, and an Act supplementary thereto, passed January thirtieth, eighteen hundred and thirty-three.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the third section of said act, of which this is a supplement, be so amended as that John F. Winslow, Samuel B. Halsey and James Wheeler, be appointed commissioners in

Commissioners changed

the place and stead of William Jackson, John H. Stephens and William Scott, in the said third section named, and that the said John F. Winslow, Samuel B. Halsey and James Wheeler are hereby authorized to do all things under and in relation to said act of incorporation and the supplement thereto, as commissioners as aforesaid.

Passed, March 8, 1836.

AN ACT to authorize Michel Saunier to sell certain real estate of Mary E. Gedney, and others, in the township of Bergen.

Preamble.

WHEREAS Mary E. Gedney, Robert L. Gedney, and Paulina A. Gedney, of the city and state of New York, are now seized and possessed of five lots of salt meadow, situate and being at Harsimus, in the township and county of Bergen, and state of New Jersey, each lot being twenty-five feet in width, front and rear, and one hundred feet in length, on each side, and they being infants, and unable to sell and dispose of the same, have, together with Robert Gedney, their father, petitioned the legislature that a trustee might be appointed to sell the same for their benefit; *And whereas* it appears that the property was formerly of but little value, and entirely unproductive, and of no immediate use or benefit to them; *And whereas* the said property has lately increased in value very much, and if a sale of the same could be made, it would be of great advantage to the petitioners; and the prayer of the memorialist appearing to be reasonable and proper—Therefore,

Trustees authorized to sell lands

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Michel Saunier, of the township and county of Bergen, be, and is hereby appointed a trustee, with full power and authority to sell, at public sale, first giving the notice required by law as given by administrators, the said five lots of salt meadow, situate, lying and being at Harsimus, in the township and county of Bergen, and state of New

Jersey, each lot being twenty-five feet in width, front and rear, and one hundred feet in length on each side, or any part thereof, for the best price or prices that can be obtained for the same, and to make out and execute good and sufficient conveyance or conveyances, and assurances in the law, to the purchaser or purchasers, and he is hereby directed to account for the moneys arising from such sale or sales, to the petitioners, and to pay over the same to the said petitioners upon their arriving at full age, or to their legal representatives; *And further*, that the said trustee shall cause the money arising from such sale to be put out at interest, upon good and available securities, for the use and benefit of the said minors.

Distribution of
proceeds of
sale.

Sec. 2. *And be it enacted*, That before the said Michel Saunier, trustee as aforesaid, shall enter into the trust reposed in him by virtue of this act, he shall enter into bond to the governor of this state, with such securities, and in such amount as shall be approved of by the surrogate of the county of Bergen, conditioned for the faithful performance of the duties required of him by this act, which bond shall be deposited in the office of the said surrogate.

Bond to be
given to the
Governor

Sec. 3. *And be it enacted*, That the said trustee shall, within six months after the sale of the said lands is completed, make and exhibit, under oath, to the surrogate of the county of Bergen, a true statement of the amount of said sale or sales, to be by him recorded and filed in his office, and that the said trustee shall be accountable for all moneys received by him by virtue of this act, deducting his reasonable expense, and a reasonable compensation for his services, to be allowed by the said surrogate of the county of Bergen, and shall account for the same to the orphans' court for the county of Bergen accordingly; *Provided always*, that the proceeds of such sales shall descend and be divided as real estate, and not distributed as personal property.

Amount of
sales to be fi-
led with surro-
gate

Proviso

Passed, March 8, 1836.

AN ACT to authorize the Chosen Freeholders of the Counties of Essex and Middlesex to build a Draw Bridge over the head of tide-waters of Rahway River, at Rahway.

Bridge authorised to be built

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the boards of chosen freeholders of the counties of Essex and Middlesex aforesaid, to build and maintain a good and sufficient bridge over Rahway river, at or near Clarkson and Tooker's Dock, and as near as practicable, in a line with Lewis street, with a suitable draw therein, of a sufficient width for the convenient passage of vessels navigating the same.

Penalty for leaving draw open

Sec. 2. *And be it enacted,* That if any captain of a vessel or other person shall open the draw of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same, or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, draw, swing, posts, or piles, or shall remove any iron or stone work belonging to said bridge, or otherwise wilfully damage, or do any act which may have a tendency to injure said bridge or draw unnecessarily, he, she or they so offending, shall, for each and every offence, forfeit and pay the sum of twenty dollars, over and above the damage done to said bridge or draw, to be recovered in action of debt, before any court having competent jurisdiction, with costs of suit, by any person who will sue for the same, for his own use.

Bridge may be put in charge of a keeper

Sec. 3. *And be it enacted,* That in case it should become necessary for the protection of said bridge, or draw, and the accommodation of persons passing over or through said bridge, to have the same put in the special care of some person suitable for that purpose, then and in that case, it shall and may be lawful for the board of chosen freeholders of the said counties, for the time being, to make such regulations as they shall deem necessary, for the better protection and accommodation of the same; *Provided,* they be in accordance with the preceding sections of this act.

Passed, March 8, 1836.

A SUPPLEMENT to the Act entitled "An Act to authorize the erection of a bank, dam and other water works across the head waters of the eastern branch of Salem Creek, in the County of Salem," passed February twenty-eighth, eighteen hundred and twenty.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the owners of the meadow embanked and enclosed under and by virtue of the act to which this is a supplement, shall meet in Salem, on the second Tuesday in April next, at such time and place as shall by them be agreed on, and then and there choose by vote of two-thirds of the owners in value then present, one or more managers for the said meadow, and shall enter the proceedings of the said meeting in a book kept for that purpose, and annually thereafter, the said owners shall meet on the said second Tuesday of April, at such time in the day and at such place as shall be fixed on at the annual meeting, and if the said owner or owners, or any of them, are unable to attend said meeting, it shall be lawful for such absent owner by letter of attorney duly executed, to appoint some person to attend and vote at such meeting in the place of such absentee.

Sec. 2. *And be it enacted,* That the manager or managers so chosen, shall and may keep up, amend, repair and maintain from time to time, the banks, dam, sluices and other water works belonging to said marsh, and for that purpose may enter upon all marsh and meadow contiguous thereto, to get mud and earth, and said managers shall keep all the water courses thereof open, and in good condition for passing off the water from said marsh, and otherwise improving the same, and shall annually within one month after their appointment, make an estimate and valuation in writing of the meadow within said company, and assess the expenses of keeping up and maintaining the bank, dam, sluices and other works, ratably and in proportion to the quantity and quality owned by each owner, upon the owners of said marsh, and shall cause such estimate and valuation to be entered, within one month after making the same, in the book of minutes of the said meadow company; *Provided,* that nothing in this act shall interfere with any agreement between the owners of said marsh and their tenants for the payment of the taxes and expenses on said marsh.

Sec. 3. *And be it enacted,* That if at any time the bank,

In what manner breaches shall be repaired

dam or sluices of said company should break, blow out or become otherwise seriously injured, it shall be the duty of the manager or managers to give immediate notice thereof to the owners of said meadow, and the said owners or those of them who own two-thirds in value of the said meadow shall determine whether, and in what manner the said breaches or other damage shall be repaired, and the manager or managers shall not repair the same, or expend any money thereon, until he shall receive the written directions of the owners of two-thirds in the value of said meadow.

Accounts to be submitted to meadow owners

Sec. 4. *And be it enacted*, That the manager or managers so to be chosen shall, at the annual meeting in April, produce their accounts and vouchers for inspection and settlement to the owners or possessors of said meadow, and shall be allowed five cents on the dollar for all money by them expended in and about the duties required of them by this act, and such reasonable compensation as the owners shall approve for any extra work which may be caused in the event of the breaking of the dam or blowing out of the sluices.

Sections of former act repealed.

Sec. 5. *And be it enacted*, That the second, third, fourth and seventh sections of the act to which this is a supplement, be, and the same are hereby repealed.

Passed, March 8, 1836.

AN ACT vesting the real estate of Barney Colgan, deceased, in Ann Colgan, his widow.

Preamble

WHEREAS Barney Colgan, deceased, late of Hoboken, in the township of Bergen, in the county of Bergen, emigrated to this country several years since, from Ireland, and settled at Hoboken, aforesaid, and became duly naturalized, after which, by his own industry, he acquired some real property, in that place, consisting of two houses and lots, of small value; *And whereas* the said Barney Colgan departed this life, in the month of September last, intestate, and without issue, leaving Ann Colgan, his widow; *And whereas* the said Barney Colgan has left no lawful heirs who can inher-

it the said real estate, by reason whereof it must escheat to the state; *And whereas* the said Ann Colgan is very infirm, and unable to earn her living, and the value of her dower in the said premises very trifling, and the title to the said real estate, if vested in her, would relieve her from penury—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That all the right, title, estate and interest of the said Barney Colgan, deceased, at the time of his death, of, in and to the real estate herein above mentioned, shall be vested in the said Ann Colgan, her heirs and assigns; *Provided however,* that nothing in this act contained shall, in any manner, interfere with the lawful claims of any person whatsoever to the said lands and premises, other than those claiming, or to claim, under the state of New Jersey.

Rights of the
state to certain
lands released

Passed, March 8, 1836.

AN ACT to authorize Trustees, therein named, to sell certain Real Estate of Benjamin Demarest, deceased, late of the county of Bergen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Jacob Van Vorst and Cyrus S. Browning, of the county of Bergen, be, and they are hereby appointed trustees, with full power to sell and convey the land of Benjamin Demarest, late of the township and county of Bergen, deceased, for the highest sum or sums of money the same will bring, at public action, first giving such notice as executors and administrators, are bound by law to do, and for the same or any part thereof, to execute and deliver, in due form of law, in their own names, or the name of the survivor of them, as trustee or trustees aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate, right, title, or interest, which the heirs at law of the said Benjamin Demarest, who are

Trustees au-
thorized to sell
lands of B. De-
marest, de-
ceased.

minors, have in the same, and which sale or sales so made, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand which the said minor heirs have in the premises.

Distribution of
proceeds of
sale.

Sec. 2. *And be it enacted*, That the said trustees, and the survivor of them, shall keep a fair account of the sale or sales so made by them, under this act, and after deducting all legal costs and expenses, to be taxed by the Orphans' Court of Bergen county, to invest the whole amount of the balance arising from such sale or sales, in bond and mortgage, on unincumbered real estate, in the state of New Jersey, for the benefit of the said minor heirs, and to receive and pay over, semi-annually, to the said minor heirs, or to and for their benefit, the interest arising from such investment, until said minor heirs shall arrive at full age, when the principal shall descend as real estate.

Bond to be gi-
ven to the gov-
ernor.

Sec. 3. *And be it enacted*, That before the said Jacob Van Vorst and Cyrus S. Browning, engage in the trust assigned them by this act, they shall enter into bond to the Governor of this state, in such sum, and with such security, as the surrogate of the county of Bergen shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the secretary's office of this state.

Accounts to be
filed in the sur-
rogate's office
of Bergen.

Sec. 4. *And be it enacted*, That the said Jacob Van Vorst and Cyrus S. Browning, or the survivor of them, the executors or administrators of the survivor of them, shall, within three months after the sale or sales of said land, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Bergen, a true statement of the amount of such sale, to be by him recorded and filed; and that the said Jacob Van Vorst and Cyrus S. Browning, their executors and administrators, shall be held accountable for all moneys received by them by virtue of this act.

Passed, March 8, 1836.

AN ACT relative to Juries.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be the duty of the sheriffs of the several counties of this state, to cause a book or list of all the freeholders, as are qualified by law, and competent to serve as jurors, to be made, which book or list, the said sheriffs of each of the counties, shall produce before the clerk of the Court of Common Pleas of the county of which he shall be sheriff, at least thirty days before the next term of the court; and it shall be the duty of the said sheriff, together with the said clerk, to proceed and select by ballot such number of freeholders for jurors, as they shall deem proper, and the said sheriff shall summon the persons so selected to serve as petit jurors for the term of the court next following such selection.

Sheriffs to produce a list of freeholders to clerks of counties.

Sec. 2. *And be it enacted,* That from and after the first day of May next, the name of each and every person who shall be summoned and returned by the sheriffs of the several counties of this state, or any or either of them, to serve as petit jurors in any of the courts of this state hereinafter named, shall be written or printed, on several and distinct pieces of paper, as nearly of equal size and similar shape as may be, by the clerk of said county, and when, the trial of any cause, civil or criminal, shall be ordered on, or a venire is delivered to the sheriff, the said tickets, with the names of the said jurors thereon, shall all be put into a box, to be provided for that purpose, by the clerk of said court, at the expense of the county; and thereupon the sheriff, or some disinterested person, by direction of the said court, shall in open court, after having well mixed the said papers, deposited in said box, draw therefrom twelve of said papers, one after another, and if any of the persons whose names shall be so drawn, shall not appear, or be challenged, and set aside, then such further number of said papers shall be drawn until twelve persons of those who appear, shall be sworn or affirmed, as the law directs; and such twelve persons shall be the panel to be returned by the sheriff or other officer as the jury to try the cause so to be tried as aforesaid; and the sheriff shall, then make out a panel of such persons, and return the same, as in other cases, and such panel shall be good and effectual in law.

Mode of selecting jurors.

Sec. 3. *And be it enacted,* That if any cause shall be brought to trial, in any of the said courts, respectively, before the jury which may be charged in any other cause shall have given in their verdict, or have been discharged, it shall and may be lawful for the court to order that twelve of the remaining papers

Tallemen may be summoned.

aforesaid (not containing the name of any of the jurors in such other cause) be drawn, in manner aforesaid, for the trial of the cause which shall be so brought or to be tried; and if it shall at any time happen, that by reason of challenges, or otherwise, the whole of said names be drawn before a jury shall be had therefrom, it shall be lawful for the court to cause talesmen to be summoned and drawn as aforesaid, and added to the said panel until the requisite number is obtained.

Cases in which
this act shall
not operate.

Sec. 4. *And be it enacted*, That nothing in this act shall operate on, or interfere with the present mode of summoning or returning special or struck juries, juries of view, or grand jurors in this state, or juries wherein any prisoner is entitled to a copy of the panel and peremptory challenges, but shall apply only to petit or common juries in the circuit courts, courts of oyer and terminer and general jail delivery, courts of common pleas, and courts of general quarter sessions of the peace of this state.

Former acts
repealed.

Sec. 5. *And be it enacted*, That so much of all acts, or parts of acts, now in force, which are inconsistent with, or repugnant to the provisions of this act, be, and hereby are repealed.

Passed, March 9, 1836.

**AN ACT making a further appropriation for the completion
of the State Penitentiary.**

Preamble.

WHEREAS, it appears from the report of the commissioners, appointed to erect a new Penitentiary, that a further appropriation is necessary for the completion of the same—Therefore,

18,000 dollars
appropriated to
completion of
new state pri-
son.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in addition to the amount heretofore appropriated, the Governor, or person administering the government of this state, be, and he is hereby authorized to draw in favor

of the commissioners appointed to build the new State Penitentiary, from any unappropriated money in the treasury of this state, the further sum of eighteen thousand dollars, to be appropriated in conformity with the act of the thirteenth of February, eighteen hundred and thirty-three, for the erection and completion of the said new State Penitentiary.

Sec. 2. *And be it enacted*, That in case there should not be an amount of unappropriated money in the treasury of this state, sufficient to meet the drafts authorized by this act, it shall and may be lawful for the Governor, or person administering the government of this state, to borrow an amount of money to meet the said appropriation at a rate of interest not exceeding five per centum, per annum, and to reimburse the same at any time not less than one year from the contracting the loan; and to pledge the faith of this state for the payment of the principal and interest of all moneys that may be borrowed as aforesaid.

Governor authorized to borrow money.

Passed, March 9, 1836.

AN ACT to provide for the removal of the prisoners to the New Penitentiary.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the keeper and inspectors of the State Prison, are hereby authorized and directed to remove, or cause to be removed, all the convicts from the old State Prison, to the new State Penitentiary, from time to time, so soon as the cells and apartments of the new State Penitentiary, are so far completed as to furnish, in the opinion of the said keeper and inspectors, safe and secure accommodations for the convicts; and the said convicts, when removed to the said new State Penitentiary, shall there be and remain, kept, imprisoned, and punished, according to their respective sentences, and the laws of this state, until duly discharged.

Prisoners may be removed from the old to the new state prison.

Passed, March 9, 1836.

A SUPPLEMENT to the Act entitled "An Act to incorporate the Protestant Episcopal Church of St. Mary, in the City of Burlington," to annul the former charter thereof, and to repeal "An Act to amend and confirm the charter of the Episcopal Church, called St. Mary, in the City of Burlington," passed May twenty-eighth, seventeen hundred and ninety-three.

Proviso of
fourth section
of former act
repealed.

New proviso.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the proviso contained in the fourth section of the act to which this is a supplement, be, and the same is hereby repealed; and that the following proviso be inserted in lieu thereof, viz.: *Provided always,* that in the disposition, sale, or alienation of such messuages, houses, lands, tenements and hereditaments, the consent of at least six members of the vestry shall be had and obtained.

Part of former
act repealed,

Sec. 2. *And be it enacted,* That the words following the second proviso, in the eleventh section of the act to which this is a supplement, to wit: "That if at any time nine or more members of the said vestry shall agree so to do, they may discharge said minister, giving him six months notice of their intention, after which time his salary shall cease, and the said minister shall peaceably leave the church, and" be, and the same are hereby repealed and stricken out of the said eleventh section.

Passed, March 9, 1836.

AN ACT to dissolve the marriage contract between Hannah D. Wallin and her husband, Silas B. Wallin.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract between Hannah D. Wallin, of the county of Morris, and Silas B. Wallin, her husband, be, and the same is hereby dissolved as fully as if they had never been joined in matrimony.

Silas B. and
Hannah D.
Wallin di-
vorced.

Passed, March 9, 1836.

A SUPPLEMENT to the Act entitled "An Act for incorporating the Town of Princeton."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the mayor, recorder and aldermen of the borough of Princeton, or either of them, to commit every offender against the laws of this state, or the ordinances of the said borough, to the prison belonging to the said borough, there to remain until discharged according to law.

Powers of mag-
istrates in-
creased.

Sec. 2. *And be it enacted,* That the mayor, recorder, aldermen, and assistants, or a majority of them, of which the mayor or recorder is always to be one, shall have full power and authority, from time to time, and at all times hereafter, to make such by-laws, ordinances and regulations, in writing, not repugnant to the laws and constitution of this state, or of the United States, and the same to enforce, revoke, alter, and amend, as to them shall appear necessary, for the regulation, paving, cleansing and keeping in repair the streets, highways, lanes and alleys, with the side walks and pavements of the same within the limits of the said borough; and for prevent-

Additional
powers grant-
ed to corpora-
tion.

ing the incumbering or obstructing the said streets, highways, lanes, alleys, side walks and pavements.

Passed, March 9, 1836.

AN ACT to incorporate the Trenton Silk Manufacturing Company.

Style of incorporation.

Powers.

What real estate may be held

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John Titus, John Mershon, William P. Sherman, Benjamin Chapman, Zachariah Rossell, George Miller, and such other persons as now are, or hereafter may be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Trenton Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, all articles of which silk is a principal part, and dying, printing and bleaching the same; and that, by that name, they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, not exceeding one hundred and seventy acres, tenements, hereditaments, goods, wares and merchandizes whatsoever, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate, which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or pur-

chased at sales upon judgments or decrees which shall have been obtained for such debts; *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used or employed at any time in banking operations, or for any other purpose or purposes inconsistent with the provisions of this act. Restrictions.

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the county where such election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall, at the same or some other time, elect an acting manager or managers and such sub-agents of the said company as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation or otherwise, among the directors elected, the secretary, managers, or sub-agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or the major part of them, shall appoint. Time and mode of electing directors.

Directors to appoint officers.

Vacancies supplied.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when and as Amount of capital

soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or satisfactorily secured to be paid, to purchase land and mulberry trees, and erect the necessary buildings and machinery, sufficient to commence the said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such time and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice requiring such payment shall have been published for that time in one or more newspapers published in the city of Trenton: *Provided nevertheless*, that the instalments shall not be more than five dollars each, and at least thirty days apart.

Stock forfeited
on failure to
pay instal-
ments.

Proviso.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation; *Provided*, that dividends shall annually be made to and amongst the stockholders, from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided.

Dividends to
be made.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation; and the officers of the preceding year shall hold their offices, respectively, until said election, or until others are appointed in their stead.

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 6. *And be it enacted*, That a majority of the directors, for the time being, shall form a board for the transacting the business of the corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the laws or constitution of the United States, or of this state, as shall appear needful and proper, touching the management and disposition of the stock, estate, property, effects and profits of the said corporation, officers' appointment, clerks, managers, agents, salaries and allowances, as to them shall seem necessary, and may at their discretion remove or discharge from their employ any manager, agent, secretary, clerk, or other person engaged in said factories or

Powers and
duties of di-
rectors.

business, and supply their places by the appointment of others in their stead.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their manufactory or manufactories, proper books of accounts, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of said company.

Books to be kept open to inspection of stockholders.

Sec. 8. *And be it enacted*, That no transfer of stock shall be valid until such transfer shall be entered or registered in the book or books to kept by the president and directors for that purpose, and that this act shall continue and be in force for thirty years after its passage, and further that the legislature may at any time hereafter alter, modify or repeal this act, whenever the public good requires it.

Limitation

Act may be altered or repealed.

Passed, March 9, 1836.

A SUPPLEMENT to the act entitled, "An Act concerning wrecks," passed the third of March, eighteen hundred and twenty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, that when any person or persons shall assist in preserving the vessel and cargo of any vessel wrecked or in distress, and arbitrators shall be chosen to adjust and ascertain the amount of compensation for such services, that it shall be the duty of said arbitrators, to award the amount to be paid said salvors in money, and not to award any part of said cargo or vessel.

Amount of salvage to be settled by arbitrators

To be paid in money

Sec. 2. *And be it enacted*, That it shall not be lawful for any commissioner, appointed under this act, to engage directly or indirectly, in the saving of any vessel or cargo as aforesaid, for his own private benefit and interest; but that he shall pay over to the salvors the whole amount allowed or awarded to

them in money as aforesaid; and that said commissioner shall receive no other compensation, interest, or reward for his services, than such as is provided for in the aforesaid act.

Penalty for
violating law

Sec. 3. *And be it enacted*, That if any commissioner shall be convicted of exacting any agreement or reward for his own personal benefit or interest, he shall be removed from, and thereafter be rendered incapable of holding said office.

Commission-
ers not to pur-
chase wrecked
vessels or car-
go

Sec. 4. *And be it enacted*, That no commissioner of wrecks in this state, shall be engaged, directly or indirectly, in the purchase of any stranded or wrecked vessel or goods; and all goods so sold shall be openly exposed to public view in such parcels as shall be deemed most likely to cause the articles thus sold, to bring the best price.

Moneys for
unclaimed
goods to go to
school fund

Sec. 5. *And be it enacted*, That all moneys now in the treasury of this state, or which shall hereafter come into said treasury, arising from the proceeds of wrecked or stranded goods or other property, shall, on the expiration of the time allowed by the act to which this is a supplement, to the owner to claim the same, and the same being unclaimed, be, as soon as can conveniently be done, be paid over to the trustees of the school fund, to be by them invested in some stock in the same manner as other moneys are invested by them; and the interest, arising on the moneys so invested, shall enure and be received by the treasurer, for the benefit of the fund for the support of free schools, and be credited and accounted for accordingly.

Part of former
act repealed

Sec. 6. *And be it enacted*, That the fifteenth section of the act to which this is a supplement, be, and the same is hereby repealed.

Passed, March 9, 1836.

AN ACT to incorporate the Bridgeton Glass Manufacturing Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That David Reeves, Nathan L. Stratton, James B. Potter, William Bevan, Edmund Davis, Robert G. Brewster, Samuel W. Seeley, George Ayres, Enos F. Randolph, and Levi B. Davis, and such other persons as now are, or hereafter may be, associated with them, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate, in fact, name, and law, by the name and style of "The Bridgeton Glass Manufacturing Company," for the purpose of establishing and carrying on manufactures of window glass, and all other articles of glass were incidental to a glass manufactory, at Bridgeton, in the county of Cumberland in this state; and by that name, they and their successors and assigns, shall and may have continued succession, and be persons capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, causes, complaints, and matters whatsoever; and may have and use a common seal, and make, alter, change, and renew the same at pleasure; and shall be vested with all the powers incidental to a corporation, and necessary for the objects aforesaid, and by that name and style, shall be capable of purchasing, holding, using and conveying any estate real or personal, for the use of the said corporation: *Provided*, that the real estate so to be purchased or holden by the said corporation, shall be such only as may be necessary for the purposes of carrying on, or promoting the manufacturing operations, for which this incorporation is established, and such other as shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealing, or purchased by them at sales upon executions in their favor.

Style of incorporation.

What real estate may be held.

Sec. 2. *And be it enacted,* That the capital stock of said incorporation, shall be thirty thousand dollars, which shall be divided into shares of twenty-five dollars each, but it shall nevertheless be lawful for the said incorporation, when, and so soon as five thousand dollars, of the said capital stock shall have been subscribed and paid, to commence the said business; and with that capital, conduct and carry it on, until they shall find

Amount of capital stock.

Stock forfeited
on failure to
pay instal-
ments

it expedient to extend their capital, which the president and directors of said company, are authorized to do from time to time, by receiving new subscriptions to their capital stock, to the amount herein before mentioned, and it shall and may be lawful for the president and directors of said company for the time being, to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times, and in such proportions as they shall deem proper, upon pain of forfeiting the shares of said stockholders, on which default shall be made, and all previous payments thereon, if such payments shall not be made within sixty days after notice, requiring such payment, shall have been given in one or more newspapers published in the county of Cumberland in this state: *Provided*, that no instalment shall be required at any one time exceeding five dollars on each share and that no two instalments shall be required within thirty days of each other.

Books of sub-
scription for
stock to be
opened.

Sec. 3. *And be it enacted*, That Jonathan Elmer, Levi B. Davis and Robert G. Brewster, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of the said corporation, in the first instance, at some suitable place, in the county of Cumberland, upon giving twenty days notice in two or more of the newspapers published in this state, nearest to the place where the said factory is to be established, of the time and place of opening such books, and also, of the amount of the first instalment, then to be paid; and as soon as stock to the amount of five thousand dollars shall be subscribed, it shall be the duty of the said commissioners to give a like notice for the meeting of the stockholders, to choose five directors; and the said commissioners shall be inspectors of the first election of directors of said company; and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the monies and securities received for subscriptions; and the said commissioners shall appoint the time and place of holding the first meeting of directors.

First direc-
tors.

Time and
mode of elect-
ing directors,

Sec. 4. *And be it enacted*, That the stock, property, business, and affairs of the said corporation shall be managed and conducted by five directors, who shall at all times during their continuance in office, be citizens of the United States, and this state, and stockholders in the said company, in their own right, and the said directors shall be elected on the first Monday in April in each year, and shall hold their offices for one year, and until others shall be elected in their stead, which election shall be held at such hour of the day, and at such place as the board of directors for the time being, shall appoint, under the inspection of three stockholders, not being directors, to be appointed by the board of directors, previous to every such election. And such election shall be made by ballot, and by a plu-

ality of the votes of the stockholders then present, or their proxies, such proxies always to designate the person or persons so to be voted for, allowing one vote for every share of said stock, under ten, one vote for every two shares above ten, and under thirty, and one vote for every five shares above thirty, until said votes amount to two hundred; and no stockholder shall give more than two hundred votes at any election as aforesaid, but no stock shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election; of which election, public notice shall be given, in two of the newspapers printed in this state, nearest the place where such factory is to be established, at least twenty days next preceding such election.

Sec. 5. *And be it enacted*, That if it should at any time happen, that an election of directors should not be made on any day when, pursuant to this act it ought to have been made the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day, to hold and make an election of directors, in such manner as shall have been prescribed by the by-laws of the said corporation.

Corporation
not dissolved
for failure to
elect on day
prescribed

Sec. 6. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall as soon as may be, after their election, meet and proceed to choose one of the said directors to be president, who shall preside until the next annual or other election, to be holden thereafter, and in case of the death, resignation, or inability to serve, of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year, or until the next election, by the directors, for the time being, or a majority of them: and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide:

President to be
chosen.

Sec. 7. *And be it enacted*, That the said president and directors, for the time being, or a majority of them, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation; the management and conducting the business of the said corporation, and all matters appertaining thereto; the transfer of shares of the stock, the election and meetings of the directors, the powers and conduct of the officers of said corporation; and such by-laws, rules and regulations, at their discretion, to repeal, alter, or modify: *provided*, that such by-laws, rules, or regulations, shall not be re-

Powers and
duties of direc-
tors

Provide

pugnant to this charter, to the constitution and laws of this state, or of the United States.

Stock personal property, and mode of transferring. Sec. 8. *And be it enacted,* That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal property; and the shares of the stock in the said company, shall be transferable only on the books of the company, to be kept by the president and directors for that purpose, in the presence of the president or one of the directors, or the secretary of said company, in such manner as shall be prescribed by the by-laws of said company.

Books open to inspection of stockholders. Sec. 9. *And be it enacted,* That the president and directors shall at all times keep a book or books, in which shall be entered all the proceedings of the stockholders at their annual or other meetings, and all the proceedings of the board of directors; and they shall also keep at their manufactory, books of account, in which shall be regularly entered all the transactions and accounts of the said corporation; which books shall be subject at all times, in business hours, to the inspection of the stockholders of the company; and the president and directors shall, in one year after said works have been in operation, and annually thereafter, declare and pay dividends of so much of the clear profits resulting from the business of the said corporation, to the stockholders, as they shall deem expedient.

Dividends to be made.

Restrictions. Sec. 10. *And be it enacted,* That the corporation hereby created, shall not engage in, or carry on, or employ any part of their capital stock in banking operations.

Limitation of act. Sec. 11. *And be it enacted,* That this act shall be and continue in force for the term of thirty years from the passing thereof, and from thence until the close of the next session of the Legislature, and no longer; *provided always,* that the Legislature may at any time hereafter alter, modify or repeal the same, whenever in their opinion the public good shall require it.

Act may be altered or repealed.

Passed, March 9, 1836.

AN ACT to authorize a trustee therein named, to sell certain real estate of Nathaniel Crane, deceased.

WHEREAS Nathaniel Crane, deceased, of Bloomfield, in the county of Essex, died, leaving a last will and testament, which was duly proved and recorded in the surrogate's office in the county of Essex. aforesaid; in which, after giving to his widow, Hannah Crane, the use and occupation of his homestead during her natural life, and certain personal estate, in lieu of dower; among other things, he devised a certain lot of land of about twenty-two acres, situate in the township of Caldwell, in the county of Essex, bounded on the north by a drift way road, on the west by lands of Amos Crane, on the south by lands of Moses P. Crane, and on the east by lands of Asher Crane, to Nathaniel M. Gould, Asher Crane, and the heirs of Nathaniel I. Crane, that is to say, Derinda, Harriet, Mary and Nancy, all minor children; *And whereas* the said lot of land is unproductive and very much out of fence, and all the heirs are desirous to have the said lot sold; *And whereas* the said minor children are orphans, and have no other property, real or personal, for their support and education, they pray a law to authorize the sale thereof—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William G. Crane be, and he is hereby appointed a trustee, with full power and authority to sell, dispose of and convey the aforesaid lot of land of about twenty-two acres, situate in the township of Caldwell, in the county of Essex, with the appurtenances thereunto belonging, as soon as conveniently may be, at public sale, first advertising the same in a newspaper printed in the county of Essex, and most generally circulated through the place where the said land is situated, for the space of six weeks; and when sold, the said trustee shall make out, execute, and deliver, in due form of law, in his own name, as trustee aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate and interest which the said Nathaniel Crane, deceased, had in the same at the time of his death, which sale, as made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title and interest which the heirs and widow of the said Nathaniel Crane, deceased, now have in and to the same.

Trustee authorized to sell lands

Sec. 2. *And be it enacted,* That before the said trustee enters upon the trust assigned him by this act, he shall enter

Bond to be
given to the
Governor

into bond to the governor of this state, his successors and assigns, in such amount, and with two sufficient freehold sureties as shall be approved by the orphans' court of the county of Essex, conditioned for the faithful performances of said trust.

Accounts to be
filed in the sur-
rogate's office

Distribution of
proceeds of
sale.

Sec. 3. *And be it enacted*, That the said trustee shall keep a full, fair, and just account of the sales made by him under this act, with the costs and expenses thereof, and exhibit the said accounts under oath, to the orphans' court of said county of Essex, within six months after the sale or sales shall be made, to be approved by the said court; which accounts shall be recorded and filed by the said surrogate of said county, when approved by said court; and the said trustee, after deducting from the proceeds of such sale or sales all legal costs and expenses, and such reasonable commissions as shall be allowed by said court, shall pay the residue thereof to Nathaniel M. Gould, Asher Crane, and the guardian or guardians of the minor heirs of Nathaniel I. Crane, deceased, in proportion to the legal rights of the said respective heirs; or if there be no guardians of the said respective minors, then the said trustee shall place the said residue, or such parts thereof as there shall be no guardian entitled to receive the same, at interest, on good security, and make use of the interest annually as it becomes due, for the education and support of said minor children, and shall pay the said principal to the said minor children whenever they shall respectively attain the age of twenty-one years; and in case the aforesaid minors, Derinda, Harriet, Mary and Nancy, or either of them, shall die intestate, before they severally arrive at the age of twenty-one years, and leaving no child or children, then after the death of such minor or minors, the said trust fund shall go to the same persons, and be disposed of in the same manner, under the direction of the said will or otherwise, as the said real estate would have been disposed of if the same had not been sold.

Rights of other
persons not to
be affected.

Sec. 4. *And be it enacted*, That no sale or deed of conveyance, which may be made by virtue of the authority granted in this act, shall alter, impair, or in any way affect the right, title, interest or claim of any person or persons whatsoever, of, in or to the said real estate or any part thereof, other than that of the aforesaid heirs at law of the said Nathaniel Crane, deceased, and their legal representatives.

Passed, March 9, 1836.

AN ACT to incorporate the Phenix Manufacturing Company of Trenton.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William A. Hopkins, Charles M. Lupp, and Henry Boureau, and their associates, and their successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Phenix Manufacturing Company," for the purpose of manufacturing cotton, wool, and flax, and dyeing, printing, and bleaching the same, or any part thereof, and carrying on the business incident to the same, and shall have power, to raise by subscription, in shares of one hundred dollars each a capital of one hundred and fifty thousand dollars, and as soon as five hundred shares shall be subscribed and paid in, the individuals above named, or a majority of them may, by public notice of thirty days, given in one or more of the public newspaper printed in the city of Trenton, call a meeting of the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy: the said individuals above named, or a majority of them, to be inspectors and judges of such first election; and the said directors, when elected, shall choose out of their number a president; and the directors of the said company shall, annually thereafter, by public notice as aforesaid, call meetings of the stockholders, for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors, shall continue in office until such election be complete, and shall, at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state and the United States; and also shall have power to call in said stock, from time to time, in such instalments as they shall think necessary, not exceeding ten dollars on each share, by giving public notice as aforesaid; and to declare forfeited to the said company, the stock with all previous payment made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above: *Provided*, previous notice of thirty days shall have been given to each delinquent stockholder.

Style of incorporation and objects.

Amount of capital stock

Election of directors

Stock forfeited on failure to pay instalments.

Previous

Sec. 2. *And be it enacted,* That all elections for directors of said company shall be by ballot; and if the directors, for the time being, of the said company, shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, that then, upon such neg-

Mode of electing directors

lect or refusal, the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice and call such meetings, and elect directors, in like manner, as if said directors had given notice as by this act is required : and if at any election for directors, two or more persons voted for, shall receive an equal number of votes, then the directors for the time being, shall determine, by ballot, which of the said persons so having an equal number of votes, shall be director or directors, as shall be required to complete such election ; and upon the death, or resignation of any of the said directors, the remaining directors shall choose, from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be completed.

Officers and
agents ap-
pointed.

Sec. 3. *And be it enacted,* That the said directors, shall, at the first meeting after their election, appoint a president, and they may appoint a secretary, treasurer, and such other officers and agents as they may from time to time deem necessary or useful, with such compensation as they may think adequate ; and require from such officers or agents, such bonds and security for their good conduct as may to them appear reasonable and proper.

What lands
may be held

Sec. 4. *And be it enacted,* That the said company may, for the purpose of carrying into effect the object expressed in the first section of this act, buy, rent, take, and hold, or otherwise become seized and possessed of, and hold all such lands, not exceeding one acre, and such tenements and water power, and other real and personal estate in the townships of Trenton and Nottingham, as may be necessary and useful for the purposes aforesaid ; and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper ; and the said company by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever ; may have a common seal, and alter and renew the same at pleasure ; and shall have, enjoy, and exercise, all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Powers.

Sec. 5. *And be it enacted,* That a dividend of the nett profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the said directors, among the stockholders, and the books of the said company shall at all times, be open for the inspection of the said stockholders : *Provided*, that no dividends be made except from the actual profits of said company.

Restrictions.

Sec. 6. *And be it enacted,* That the stock of the said company shall be personal property, and transferable upon the

books of said company, and that no part of the fund of the company shall be used for banking purposes.

Sec. 7. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred and sixty-six, and no longer; and the Legislature may repeal, alter, or modify the same, as in their opinion, the public good may require.

Limitation

Act may be altered or repealed.

Passed, March 9, 1836.

SUPPLEMENT to an Act to prevent the issuing and circulation of small notes for the payment of money, passed fourth March, eighteen hundred and thirty-five.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in addition to the tax imposed by the act entitled "An act to tax bank stock," passed the second day of November, eighteen hundred and ten, or by any other act or acts of the legislature of this state, the several incorporated banks of this state be, and they are hereby required to pay to the treasurer of this state, on the first day of January next, and on the first day of January in each succeeding year, the additional sum of one half of one per centum upon the whole amount of capital stock actually subscribed and paid in, or which may hereafter be subscribed and paid in to such bank; or in default thereof, the treasurer is hereby empowered and required to prosecute for the same, as directed in the second section of the act taxing bank stock; *Provided nevertheless*, that if the president and cashier of any of said banks shall make oath or affirmation before some justice of the peace of the county in which said bank is located, and file the same with the said treasurer, that no bills have been issued or put in circulation by said bank after the fourth day of July next, contrary to the act to which this is a supplement, then and in that case, no other or further tax than one half of one per

Additional tax on capital of banks

When additional tax shall not be required

centum on the capital stock subscribed and paid, as aforesaid, shall be received of, or be required to be paid by such bank.

Passed, March 9, 1836.

AN ACT to authorize the sale and conveyance of certain real estate, late of Daniel Y. Overton, of the County of Morris.

Preamble.

WHEREAS it has been made to appear to the legislature of this state, that Daniel Y. Overton, late of the county of Morris, hath lately died, intestate, seized of a small lot of about twelve acres of land, with a dwelling house and other buildings thereon, leaving three children to wit: John L., Stephen B. and Sarah A. Overton, who have inherited the same; and that the oldest of said children is now only about twelve years of age; that a large part of the value of the premises consists in the buildings, which are rapidly going to decay; and that the same cannot be sold before the oldest of the children arrives to the age of twenty-one years; *And whereas* Hester Lindsley, the mother of the said children, hath by her petition prayed that an act may be passed appointing and authorizing some fit person to sell and convey the same, and put out at interest the moneys arising from such sale, for the use and benefit of the said children; and the prayer of the said petitioner appearing to be reasonable—Therefore,

Trustees authorized to sell lands

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That* Perrine L. Van Waggoner be, and is hereby authorized and empowered to sell and convey at public sale, as soon as may be convenient, and for the best price he can obtain for the same, the said lot of land, with the buildings thereon, formerly of Daniel Y. Overton, deceased, of the county of Morris, which hath descended to his children, John L., Stephen B. and Sarah A. Overton, and conveyance or

conveyances therefor to make, vesting in the purchaser or purchasers, their heirs and assigns, all the estate therein, of which the said Daniel died seized, and which his said children have inherited; and the said Perrine L. Van Waggoner is hereby required to put out at interest on good security, the moneys arising from such sale, for the benefit of the said children, his reasonable expenses and reasonable compensation being first deducted; and to divide the said moneys and the interest that may accrue thereon among the said children, or the survivor of them, or their legal representatives, when they shall arrive to their respective ages of twenty-one years; *Provided nevertheless*, that the said Perrine L. Van Waggoner, before he enters upon the trust reposed in him by this act, shall first enter into bond to the governor of this state, in such sum, with such security, as shall be approved of by the surrogate of the county of Morris, conditioned for the due and faithful execution and performance of said trust, which bond shall be deposited in the office of the surrogate of the said county of Morris.

Distribution of
proceeds of
sale.

Bond to be gi-
ven to the gov-
ernor.

Passed, March 9, 1836.

**AN ACT to authorize Trustees therein named, to sell
certain real estate.**

WHEREAS Elias Conover, of the township of Montgomery, in the county of Somerset, by deed bearing date the sixth day of March, eighteen hundred and thirty-three, did convey to William L. Conover and Eliza Conover, children of the said Elias Conover, a farm or plantation, situated in the said township of Montgomery, together with five lots of land, particularly described in the said deed, in trust, to satisfy and discharge all the just debts of the said Elias Conover; and to pay to the said Elias Conover, his executors, administrators or assigns, the sum of fifteen hundred dollars to his and their own proper use forever; and with power and authority to sell and convey so much of the said real estate as should be necessary for the purposes

Preamble.

aforesaid; and to hold the residue of the said property, after payment of the said debts, and of the said sum of fifteen hundred dollars, until the youngest child of the said Elias Conover should attain the age of twenty-one years, and then to distribute and divide the same in equal proportions among all the children of the said Elias Conover, that is to say, Maria, wife of Samuel Brearley, Eliza Conover, William L. Conover, Henrietta Conover, Catharine Conover, Laura Conover, Phoebe Conover, and Sarah Ann Conover, each to have one share, as by the said deed, recorded in the clerk's office of the county of Somerset, in Liber two of Deeds, folios, ninety-four, ninety-five, ninety-six, and ninety-seven, will more fully and particularly appear; *and whereas*, from the condition of the said property, and the circumstances of the cestui que trusts, it would be for their benefit that the residue of the said real estate, after payment of the said debts, and of the said sum of fifteen hundred dollars, should be sold, and the proceeds thereof invested in other property, to be holden on the same trusts; *And whereas* the persons more immediately interested in the property, and who are to be benefitted by the said trusts, have by their petition to the legislature, set forth the above stated facts, and expressed their desire to have the said property sold accordingly; and the said Elias Conover, the grantor of the said property and founder of the said trusts, has expressed his assent thereto; but because of the minority of some of the said cestui que trusts, the same cannot be effected without legislative aid—Therefore, in order to effectuate the objects aforesaid,

Trustees authorized to sell lands

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said William L. Conover and Eliza Conover, the aforesaid trustees, be, and they are hereby authorized and empowered to grant, bargain and sell, either at public or private sale, and for the best price that can be obtained therefor, the said farm or plantation, and the said five lots of land mentioned and described in the said deed of the sixth of March, eighteen hundred and thirty-three; and to make, execute and deliver to the purchaser or purchasers thereof, good and sufficient deeds and conveyances, in fee simple, or for such other estate as they may grant therein; and to give to the purchaser or purchasers full and sufficient receipts, acquittances and discharges for the consideration money thereof; and the said purchaser and purchasers thereof shall hold the same, or the parts and parcels thereof purchased by them, in fee simple, or for such other estate as they may purchase therein, freed, discharged and divested of and

from all and every interest or estate created by, or arising under, the before mentioned deed of trust.

Sec. 2. *And be it enacted*, That it shall be the duty of the said William L. Conover and Eliza Conover, to invest the proceeds arising from the sale of the said property, in other real estate, either in the state of New Jersey or elsewhere; which said real estate, so purchased by them, shall be held upon the same trusts, and no other, as those upon which the said property is now holden under and by virtue of the before mentioned deed of trust.

Investment of
proceeds of
sale.

Passed, March 9, 1836.

AN ACT to enable the owners and possessors of the flowed lands and swamps on the river Passaic and its branches, between the turnpike road at Pine Brook, on said river, and the Milldam at Chatham, to break up the reefs in said river, and remove the obstructions to the free course of the waters of the same.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the managers to be appointed in the manner hereinafter named, to assess all the flowed lands on the said river Passaic, and its branches, benefited by breaking up the reefs and removing the obstructions in said Passaic river, hear to and above Pine Brook, for such sums of money as shall, in their judgment, be sufficient to break up said reefs and remove the obstructions to the free course of the waters of said river, and for the expense of assessing and collecting the same.

Managers to
assess lands
benefited

Sec. 2. *And be it enacted*, That the said managers, or a majority of them, shall make a fair and reasonable assessment of all the above flowed lands, whether in the hands of the owners or of the possessors, in proportion, as well to the quantity each person is possessed of, as the benefits each person may re-

Appeal from
assessment
may be made

ceive therefrom ; and they, or one of them, shall give notice to the owner or possessor ; and if such owner or possessor shall think him, her, or themselves aggrieved by any assessment made by virtue of this act, it shall and may be lawful for such person or persons to apply to Caleb D. Harrison, Ephraim P. Suites, Nathaniel O. Condict, who are hereby appointed commissioners of appeal, to meet on all lands supposed to be over taxed, giving notice to the managers appointed under this act, at least three days previous to the meeting of said commissioners of appeal ; and if it appears to them that such person or persons are over taxed, to strike off such sum or sums as appear too much, together with such part of the expenses of said attendance as they shall think just and right ; and the judgment of the said commissioners, or any two of them shall be conclusive to the parties ; but the expense of ascertaining the quantity of flowed lands each person is possessed of, in cases where the quantity is disputed, shall be borne by such owner or possessor, him, her, or themselves.

Amount of
assessment re-
coverable

Sec. 3. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid, shall neglect or refuse, for the space of forty days after notice given them by one of the managers, to pay the money, or if they think themselves aggrieved, to procure the said commissioners of appeal to meet and determine the same, that then it shall be lawful for the managers or any one of them, to make return of the name or names of the person or persons, with the sum he, she, or they were taxed, or which shall be judged to be due by the said commissioners of appeal, to any justice of the peace in the county where such person or persons reside ; which justice, upon the oath of one of the managers that the tax has been demanded forty days previous thereto, shall immediately issue his warrant of distress, directed to some one of the constables of said county, commanding him, within thirty days, to seize upon the goods and chattels of such delinquent or delinquents, and to make sale of the same, or so much thereof, as may be sufficient to pay the sum assessed, together with costs ; and to pay forward the same to the managers, or one of them ; and the justice and constable shall receive the same fees, and be liable to the same penalties, as in actions of debt.

Managers to
exhibit ac-
counts to com-
mittee

Sec. 4. *And be it enacted*, That the said managers shall keep a regular account of the money they may have received, the payments they have made, and the expenses they have been at ; which account they shall lay before a committee, to be chosen by the owners or possessors of said land, on the first Monday in May, in the year of our Lord one thousand eight hundred and thirty-six, and on every first Monday in May thereafter, until said reefs and obstructions shall be removed ; and

said managers shall be liable for all moneys by them received, but not applied for breaking up said reefs and removing said obstructions, and shall pay the balance in their hands over to their successors in office: and on their neglect or refusal to do the same, shall be liable to an action of debt, to be sued for and recovered by said committee, in their own names, in any court where the same may be cognizable, to and for the use of the several persons who have paid the same.

Sec. 5. *And be it enacted*, That the said managers shall have power to enter upon and break up said reefs and remove said obstructions, so as to be of sufficient width and depth to drain the waters off said land, and to remove all obstructions to the free course of the waters out of said river, between the mill-dam at Chatham, and the house of Peter W. Vanness, in the county of Morris. **Powers and duties of managers**

Sec. 6. *And be it enacted*, That where no goods can be found, all and singular, the lowlands, swamps, woods, and meadows of every such owner or possessor, so taxed as aforesaid, shall be esteemed a pledge for the payment of the tax into whose hands they may come, and the managers, or one of them, may enter upon, after giving forty days notice to the owner or possessor, and sell the same, or wood timber growing on it, for such a term of time as will discharge the tax and costs. **Lands a lien for the payment of tax**

Sec. 7. *And be it enacted*, That the owners and possessors of said meadows and swamps, shall, on the first Monday in May, in the year of our Lord one thousand eight hundred and thirty-six, at one o'clock in the afternoon, meet and assemble at the house now kept as an inn, by Charles Hopping, at Hanover, in the county of Morris; and on every succeeding year, at the same time and place, unless those present shall, at their first or any subsequent meeting, appoint another place; when it shall be held at such other place, and then and there choose, by ballot, any number of persons, not less than three, nor more than seven, to be managers for the ensuing year; and also, three persons as a committee, to examine and settle the accounts of said managers; and that all persons entitled to vote, may vote by proxy, and shall be entitled to vote according to the number of acres they may severally own or possess, of the said flowed lands or swamps, allowing one vote for each acre of land they may so own or possess. **Time and mode of electing managers**

Sec. 8. *And be it enacted*, That if any person who shall be appointed or chosen as a manager, in pursuance of this act, and accepting said appointment, shall neglect or refuse to do any duty hereby enjoined, he shall forfeit and pay the sum of fifty dollars, to be sued for and recovered by any succeeding manager, and to be applied to breaking up said reefs and **Penalty for neglect of duty**

removing said obstructions; and in case any vacancy shall happen, by death or otherwise, of one or more of the managers or commissioners of appeal, it shall be the duty of the managers, their survivor or survivors, to advertise in six of the most public places nearest said rivers, for four weeks, appointing a time and place for the owners and possessors to meet and choose some person or persons to supply the vacancies in the board of managers or to choose some disinterested person or persons to supply the vacancies in the board of commissioners aforesaid, as the case may be, which owners and possessors, when so met, shall have power to choose such manager or managers, commissioner or commissioners; and the said persons, when so chosen, shall have all the privileges and be subject to all the penalties, as those whose places they are chosen to supply.

Managers to continue in office until others are chosen

Sec. 9. *And be it enacted*, That if the owners and possessors of said land shall neglect to meet and elect managers, that in such case the managers for the preceding year shall continue in office and have the same powers as before, until new ones are chosen.

Managers may institute suits

Sec. 10. *And be it enacted*, That it shall and may be lawful for the managers, for the time being, to institute one or more suits in their own names, against any person or persons or corporate bodies, who have heretofore or shall hereafter raise any dam or dams, within the limits above specified, so as to flow any of the lands embraced in the assessment to be made under this act, or otherwise obstruct the said river, and to arbitrate, compound and settle with any of the person or persons who may think themselves aggrieved by this act, and to apply any moneys raised under the said assessment, for the purpose of carrying on said suits or arbitrations, and that such suits and arbitrations once commenced in the name of the managers for the time being, may be continued in the same names by their successors in office.

Amount of money raised fixed by owners

Sec. 11. *And be it enacted*, That the amount of money to be raised by virtue of this act, shall be determined by a majority of the owners of said lands, at their annual meetings, and not otherwise.

Former acts repealed.

Sec. 12. *And be it enacted*, That the act entitled "An act to provide for the removal of obstructions in the river Passaic and its branches, between the turnpike bridge at Chatham and Cook's bridge at Hanover," passed February 27th, 1834, and so much of the act entitled "An act more effectually to provide for the removal of all obstructions to the free course of the waters in the river Passaic and its branches, between Cook's bridge and the reef at the Little Falls next below the turnpike bridge commonly called Singach bridge,"

passed February eighteenth, eighteen hundred and twenty, as shall come within the purview of this act, be, and the same is hereby repealed.

Passed, March 9, 1836.

AN ACT to change Trust Property therein named.

WHEREAS Andrew Brokaw and Elizabeth, his wife, and Henry Van Arsdalen, trustee of the said Andrew and Elizabeth, have by their petition set forth that they are the owners of the house and lot, in the town of Somerville, which was conveyed to them by one Abraham Stryker and wife, and that the said Andrew and Elizabeth and the said trustee are desirous of changing the said trust property, which can be done to the advantage of all concerned—
Therefore,

Preamble

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Henry Van Arsdalen, the trustee of Elizabeth Brokaw, and the children of the said Elizabeth Brokaw, is hereby authorized to make sale of a certain lot of land and premises, situate in the village of Somerville, in the county of Somerset, conveyed by deed of conveyance from Abraham Stryker and Mary his wife, to the said Henry Van Arsdalen, for certain trust purposes, by deed bearing date the first day of January, A. D. eighteen hundred and twenty-eight, and recorded in the clerk's office of the county of Somerset, in book P. of deeds; and make a good and sufficient deed of conveyance to the purchaser for the same.

Certain trust property authorized to be changed

Sec. 2. *And be it enacted,* That the said Henry Van Arsdalen shall, before he enters upon the duty assigned him by the first section of this act, enter into a bond, with good and sufficient security, to the governor of this state, in such an amount as he shall deem proper, conditioned that the said trustee shall vest the proceeds of said sale in real estate, in the borough of Elizabeth, to be held by him, upon the same conditions and trusts as is mentioned in the deed of conveyance in the first section of this act mentioned.

Bond to be given

Passed, March 9, 1836.

AN ACT to authorize Almira Concklin, widow, administratrix, and John Stephenson, administrator, of Jacob Concklin, deceased, to execute a certain contract made by said deceased with George M. Lawrence, of the county of Bergen.

Preamble

WHEREAS, it appearing to the legislature, that Jacob Concklin, deceased, late of the township of Harrington, in the county of Bergen, in this state, who died intestate, did, in his life time, make an agreement with George M. Lawrence, to sell a certain tract of land to the said George M. Lawrence, containing about three acres, situated in the said township of Harrington, and county of Bergen; and the said Jacob Concklin having departed this life very suddenly, without having executed any conveyance for the same; *And whereas* the said Almira Concklin and John Stephenson, administrators, as aforesaid, have, by their petition, requested that they may be empowered to make a deed to the said George M. Lawrence, for the tract of land aforesaid—Therefore,

Administrators authorised to make deed

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Almira Concklin and John Stephenson, administrators of Jacob Concklin, deceased, be, and they are hereby authorized and empowered to execute and deliver to the said George M. Lawrence, a deed for the said tract of land and premises, pursuant to said agreement between him and said deceased, which deed shall have the same force and effect as a deed from the said Jacob Concklin in his life time would have had; and also to receive the purchase money, and distribute it among the several heirs of the said Jacob Concklin, deceased, as by law they are required to distribute other money belonging to said estate.

Passed, March 9, 1836.

AN ACT to increase the capital of the State Bank at Newark.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the capital stock of "The President, Directors and Company of the State Bank at Newark," be, and the same is hereby increased six thousand shares of fifty dollars each, and the additional capital hereby created shall be part of the capital stock of said corporation, held and transferred in the same manner, entitled to the same privileges and benefits, of the capital stock created by the act incorporating said bank, and be subject to the same rules, regulations, and provisions, except as is herein otherwise provided.

Stock increased 6000 shares

Sec. 2: *And be it enacted,* That the said additional stock shall and may be called from time to time as the directors of said bank for the time being shall deem expedient; and the books for subscribing to such stock shall be opened at such time or times and in such manner as the said directors shall order, of which twenty days notice shall be given in one or more of the public newspapers printed in the town of Newark; and the same when so called in, shall be allotted rateably among the several stockholders of the stock of said bank, in proportion to the number of shares held by them respectively, and at least three days prior to the time of subscribing for such new stock; and in case it shall so happen that at the time noticed for subscribing to any such additional capital, any such stockholders shall decline or neglect to subscribe for the same, he or she shall forfeit the privilege thereto, and the remaining stockholders, or such of them as then apply, shall be entitled to the privilege of subscribing as aforesaid, in proportion to the shares held by them respectively as aforesaid, or the said directors may from time to time sell the said shares, forfeited as aforesaid, to such person or persons or corporation as they may think most for the interest of said bank, for the best price or prices that can be obtained, not less than their par value, and the overplus, if any, be credited to the account of the profits of the said bank.

Mode of allotment of new stock

Passed, March 9, 1836.

AN ACT to divorce Matilda Sharp from her husband Isaac Sharp.

Isaac and Matilda Sharp divorced

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Matilda Sharp, of the county of Warren, be, and she is hereby divorced from her husband, Isaac Sharp, and that the marriage contract heretofore existing between the said Matilda Sharp and Isaac Sharp, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed, March 9, 1836.

AN ACT to incorporate the New Jersey Manufacturing Company.

Style of incorporation.

Objects of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William Murphy, Moses Ross, Peter W. Blair, Enoch Bolles, junior, Jacob S. Aber, Robert A. Linn, Adam Butz, with their associates, their successors and assigns, be, and they are hereby incorporated by the name of "The New Jersey Manufacturing Company," for the purpose of manufacturing agricultural implements and machines at Newark, in the county of Essex, and carrying on business incident to such manufactory, and by that name they and their successors shall be, and hereby are made capable, in law, to have and purchase, possess and receive, enjoy and retain to them and to their successors, any real estate necessary to carry on the said business, or personal estate, goods, chattels, and effects, of whatever nature and kind soever, and the same to grant, demise, pledge, convey, and dispose of, and also to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts and places whatsoever, and shall have, enjoy, and exercise all the rights, powers, and privileges, pertaining

to corporate bodies, and necessary for the purposes of this act ; and also to make, have, and use a common seal, and the same to alter and renew at their pleasure.

Sec. 2. *And be it enacted,* That William Murphy, Moses Ross, Peter W. Blair, Enoch Bolles, junior, Jacob S. Aber, Robert A. Linn, and Adam Butz, or a majority of them be, and they are hereby appointed commissioners to open books of subscription at Belvidere, in the county of Warren, Deckertown, in the county of Sussex, and Newark, in the county of Essex, to raise the sum of forty thousand dollars, in shares of fifty dollars each ; the said commissioners shall give notice of the time and place of opening books of subscription, by advertising the same in at least one of the newspapers printed in Newton, in the county of Sussex, Belvidere, in the county of Warren, and Newark, in the county of Essex, at least four weeks next previous to such time, and to continue open for three days in succession, at each of said places ; and if the commissioners judge it necessary, may be opened again, by giving four weeks notice, as above mentioned.

Commissioners to receive subscriptions.

Sec. 3. *And be it enacted,* That the capital stock of the said corporation shall be forty thousand dollars, with liberty to increase the same to one hundred thousand dollars, to be divided in shares of fifty dollars, by giving notice as is required by the second section of this act.

Amount of capital stock

Sec. 4. *And be it enacted,* That the stock, property and affairs of the said corporation shall be managed by seven directors, one of whom they shall appoint their president, who shall hold their offices for one year, and until others shall be chosen and no longer, which directors shall, at all times during their continuance in office, be stockholders in the said company, in their own right, and shall be citizens of New Jersey, and shall be elected at the annual meeting of the stockholders, which shall be held on the third Tuesday of February, in each and every year, at such hour as the regulations of the company may prescribe ; a majority of the directors shall, on all occasions when assembled at such place as the by-laws direct, constitute a board competent to the transaction of business, and all questions before them shall be decided by a majority of voices ; and a majority of the stockholders, at any legal meeting of such stockholders, shall be capable of transacting the business of such meeting, each share entitling the holder thereof to one vote, unless the same shall not have been held by him one month next preceding such election ; and the transfer books of said company shall be conclusive evidence as to the ownership of such stock.

Time and mode of annual election of directors.

Sec. 5. *And be it enacted,* That the said president and di-

Powers and
duties of di-
rectors.

Proviso.

First direc-
tors.

What real es-
tate may be
held

Books to be
kept open to
inspection of
stockholders.

Stock forfeited
on failure to
pay instal-
ments

rectors for the time being, or a major part of them, shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise; and to appoint and employ from time to time, a treasurer, secretary, and such other officers, mechanics, and laborers as they may think proper for the transaction of the business and concerns of the said company; and also to make and establish such by-laws, rules, and regulations, as they shall think expedient, for the better management of the concerns of the said company, and the same to alter and repeal; *provided always*, that such by-laws, rules, and regulations, be not inconsistent with the laws of this state or of the United States; and the said directors shall and may, whenever they shall deem it expedient, at such time and place, and with such notice as they shall think proper, and as often as the interests of the company require and their affairs permit, declare a dividend of profit, on each share, which shall be paid by the treasurer of the said company: *provided also*, that in no case shall the said corporation divide any part of the capital stock.

Sec. 6. *And be it enacted*, That the first directors shall be William Murphy, Moses Ross, Peter W. Blair, junior, Enoch Bolles, junior, Jacob S. Aber, Robert A. Linn, and Adam Betz, who shall hold their offices until others are legally chosen, agreeably to the directions of this act, and shall have power to establish and put in execution such by-laws, ordinances and regulations as shall be necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *Provided*, the same are not contrary to the laws and constitution of this state and of the United States.

Sec. 7. *And be it enacted*, That the directors and officers of the said corporation, shall have power to purchase any lands workshops, and other necessary buildings in Newark aforesaid, which may be required to carry into effect the object of this act.

Sec. 8. *And be it enacted*, That the capital stock of said company shall be deemed personal estate and transferable in such manner as the said corporation shall by their by-laws direct; and that the books and accounts of the said company shall be open to the inspection of the stockholders at all times during the business hours of the said company.

Sec. 9. *And be it enacted*, That the directors may call in their subscriptions to the capital stock, by instalments not exceeding five dollars on each share, and no more than one instalment to be called in for a period of thirty days, giving at least twenty days notice thereof, in at least one of the newspapers in Newton, Belvidere, and Newark, aforesaid; and in case

any stockholder shall neglect or refuse payment of such instalment or instalments, for the term of thirty days after the same shall become due and payable, and after he, she, or they shall have been notified thereof, such stockholder or stockholders so refusing to pay, shall at the election of the directors, either forfeit to said company, all his, her, or their previous instalments, together with all the interest and right whatever in said stock, or be compelled to pay up such further instalment by suit at law or otherwise.

Sec. 10. *And be it enacted*, That it shall be the duty of the directors for the time being, in each and every year, on or about the first day of February, to take an account of all stock, property, and effects, belonging to such corporation, including all debts due to and from said company, and make and enter in a book for that purpose, a true inventory of the same for the inspection of the stockholders at the annual election heretofore provided for.

Account of
stock to be
taken annually

Sec. 11. *And be it enacted*, That this charter shall continue in force until the expiration of thirty years from the passage of this act, and no longer.

Limitation

Sec. 12. *And be it enacted*, That the corporation hereby created, shall not use any part of their capital or property in carrying on banking operations, or for any purpose not plainly indicated by this act.

Restrictions.

Sec. 13. *And be it enacted*, That the Legislature may alter, modify, or repeal this act, whenever, in their opinion, the public good requires it.

Act may be al-
tered or repeal-
ed.

Passed, March 9, 1836.

AN ACT to appoint Trustees to sell certain real estate, formerly of Jacob Van Horn, of the County of Bergen, deceased.

WHEREAS it is represented to the legislature that Jacob Van Horn, late of the county of Bergen, in the state of New Jersey, died under the age of twenty-one years, without leaving a widow or lawful issue, but seized in his life time of certain real estate, situate at Schidalenburgh in the township and county aforesaid, being the one-sixth part or share of the real estate of his father, David Van Horn, deceased, devised to him, the said Jacob, in and by the will of his said father, and afterwards partitioned to him the said Jacob, in a division of his said father's real estate, made among his six sons, according to the provisions of the said will; *And whereas*, in consequence of the decease of the said Jacob, as aforesaid, under the age of twenty-one years, and without leaving a widow or lawful issue, the said share or sixth part of the said Jacob in the real estate aforesaid, by virtue of a provision in his said father's will, now belonging to his four surviving brothers, viz. Christian, Peter, John and David Van Horn, and to Sarah Ann Van Horn, the daughter of his deceased brother Cornelius Van Horn; *And whereas* David Van Horn and Sarah Ann Van Horn, two of the last mentioned five devisees, are infants, under the age of twenty-one years, by reason whereof the said devisees cannot legally sell and convey their respective rights, in the said sixth part or share, and the same, in consequence of its smallness and detached situation, cannot be divided into five parts without inconvenience and loss to the said devisees; *And whereas* the aforesaid devisees, together with Daniel J. Haring, the guardian of the said Sarah Ann Van Horn, one of said devisees, and Mathew Bogert, guardian of the aforesaid David Van Horn, another of the said five devisees, and an executor of the said will of David Van Horn, deceased, and Sarah Bogert his wife, late the widow of the testator, David Van Horn, deceased, have by their petition represented to the legislature that the interest of the said five devisees would be promoted by a sale of the said shares of real estate, which cannot be accomplished without the aid of the legislature in the premises, in consequence of the minority of two of the said devisees; and the prayer of the petition appearing to be just and reasonable—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General As-*

Preamble.

sembly of this State and it is hereby enacted by the authority of the same, That Daniel J. Haring, of the town of Orange, in the county of Rockland and state of New York, and Mathew Bogert, of the township of Harrington, in the county of Bergen, and state of New Jersey, be, and they are hereby appointed trustees, with full power and authority to sell, dispose of, and convey certain real estate late of Jacob Van Horn, deceased, situate in the township of Harrington, in the county of Bergen, aforesaid, (being the share or sixth part of the real estate, late of David Van Horn, deceased, situate in the township of Harrington, in the county of Bergen aforesaid, (being the share or sixth part of the real estate late of David Van Horn, deceased, which was by him devised in and by his last will to his son, the aforesaid Jacob) at such time or times as they may think expedient, at public sale, giving legal notice of the time and place of such sale; and for the same or any part thereof, when so sold, to make and execute, in due form of law, in their own names, as trustees as aforesaid, good and sufficient deed or deeds of conveyance, according to the estate which the said Jacob Van Horn, deceased, had, and which the aforesaid five devisees now have or might legally claim, of, in and to the same; and any sale or sales so made and confirmed by a deed or deeds, shall entitle the purchaser or purchasers to all the estate, right, title and interest, and claim, which the said Jacob Van Horn, at the time of his death had, and which the aforesaid five devisees now have in the said premises.

Trustees authorized to sell lands

Sec. 2. And be it enacted, That before the said Daniel J. Haring and Mathew Bogert do enter upon the execution of the trust assigned them by this act, they shall enter into bond to the governor of this state, with two freeholders sureties, and in such amount, as shall be approved of by the orphans' court of the county of Bergen, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be deposited in the surrogate's office of the county of Bergen.

Trustees to give bond to the governor.

Sec. 3. And be it enacted, That the said trustees shall keep a fair account of all the sales of the said real estate, so by them sold, as aforesaid, and after deducting reasonable fees for their services, and the costs and charges attending the said sales and the discharge of their trust, to be allowed and taxed by the surrogate of the county of Bergen, shall distribute all the residue of the moneys arising from the sales of the said real estate, to and among the five devisees aforesaid, viz. Christian, Peter, John, David and Sarah Ann Van Horn, aforesaid, according to their respective rights therein, under and by virtue of the aforesaid will, or in case of the minority

Distribution of proceeds of sale.

of any of said devisees, to their respective guardians, duly appointed for them, and for their benefit; *Provided*, that the proceeds of the sale shall descend in the same manner as the real estate so sold would have descended.

Accounts to be
filed in the sur-
rogate's office

Sec. 4. *And be it enacted*, That the said trustees shall, within six months after the sale of the real estate aforesaid, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Bergen, a true statement and account of such sale or sales, and of the expenses attending the same, and of carrying into effect the trust hereby created; and also, a true report of the manner in which the moneys arising from said sale or sales have been disposed of, which said statement and report shall be by the said surrogate filed in his office and recorded.

Other trustees
may be ap-
pointed by or-
phans' court.

Sec. 5. *And be it enacted*, That if either of the trustees appointed by this act shall die before the duties required of them by the same shall be accomplished, the surviving trustee may legally proceed and perform or complete the said duties; and in case of the death of both the said trustees before the said duties shall be accomplished, it shall be lawful for the orphans' court of the county of Bergen to appoint two other trustees to supply their places, who shall be vested with all the authority and power, and their act or acts, and the act or acts of the survivor of them, shall be as valid and effectual to all intents and purposes, as if he or they had been originally appointed in and by this act.

• Passed, March 9, 1836.

AN ACT to incorporate the Monmouth Silk Manufacturing Company.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Isaac K. Lippincott, Thomas Arrowsmith, Thomas G. Haight, Annanias Gifford, Daniel B. Ryall, William Burtis, Thomas C. Throckmorton, William D. Davis, Henry

D. Polhemus, Joseph F. Randolph, Richard Davis, Rulif R. Schenck, Barzillai Hendrickson, Charles Hendrickson, Peter Vredenburg, junior, John B. Throckmorton, Abraham G. Nafie, Andrew Simpson, and such other persons as now are or hereafter may be associated with them, and their successors and assigns be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Monmouth Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, all articles of which silk is a principal part; and dyeing, printing, and bleaching the same: and, that, by that name, they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors, may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, not exceeding one hundred and fifty acres, tenements, hereditaments, goods, wares, and merchandizes whatsoever, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate, which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees, which shall have been obtained for such debts: *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time in banking operations, or for any other purpose, or purposes inconsistent with the provisions of this act.

Style of incorporation and objects.

What real estate may be held.

Restrictions.

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the county where such election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes

Time and mode of electing directors.

Officers and
agents ap-
pointed.

as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall, at the same or some other time, elect an acting manager, or managers, and such sub-agents of the said company as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, the secretary, managers, or sub-agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or the major part of them, shall appoint.

Amount of ca-
pital stock

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when, and as soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or satisfactorily secured to be paid, to purchase land, and mulberry trees, and erect the necessary buildings and machinery, sufficient to commence the said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such time, and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice requiring such payment shall have been published for that time in one or more newspapers published in the county of Monmouth; *Provided nevertheless*, that the instalments shall not be more than five dollars each, and at least thirty days apart.

Stock forfeited
on failure to
pay instal-
ments.

Annual divi-
dends to be
made.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as

shall be prescribed by the by-laws of said corporation; *Provided*, that dividends shall annually be made to and amongst the stockholders, from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation; and the officers of the preceding year shall hold their offices, respectively, until said election, or until others are appointed in their stead.

Corporation
not dissolved
for failure to
elect on day
prescribed

Sec. 6. *And be it enacted*, That a majority of the directors, for the time being, shall form a board for the transacting the business of the corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the laws or constitution of the United States, or of this state, as shall appear needful and proper, touching the management and disposition of the stock, estate, property, effects and profits of the said corporation, officers' appointments, clerks, managers, agents, salaries and allowances, as to them shall seem necessary; and may, at their discretion, remove or discharge from their employ any manager, agent, secretary, clerk, or other person engaged in said factories or business, and supply their places by the appointment of others in their stead.

Powers and
duties of direc-
tors

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their manufactory or manufactories, proper books of accounts, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times be open to the inspection of the stockholders of said company.

Books open to
inspection of
stockholders.

Sec. 8: *And be it enacted*, That no transfer of stock shall be valid until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose; and that this act shall continue and be in force for thirty years after its passage; *And further*, that the legislature may at any time hereafter alter, modify or repeal this act whenever the public good requires it.

Limitation

Act may be
altered or re-
pealed.

Passed, March 10, 1836.

AN ACT to incorporate the Salem Silk Manufacturing Company.

Style of incorporation. **Objects of incorporation.** **What lands may be held** **Restrictions.**

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Thomas J. Yorke, Richard P. Thompson, Louis S. Yorke, William F. Reeve, Mathew Keasby, Joseph Kille, and Jacob W. Mulford, and such other persons as now are or hereafter may be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Salem Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, all articles of which silk is a principal part, and dying, printing and bleaching the same; and that by that name they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding and conveying any lands, tenements, hereditaments, goods, wares and merchandizes whatsoever, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, not exceeding fifty acres and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *Provided always,* that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations, or for any other purpose or purposes inconsistent with the provisions of this act.

Time and mode of electing directors.

Sec. 2. *And be it enacted,* That the stock, property and concerns of the said company shall be managed and conducted by seven directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by

the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the county, where such election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than seven shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of seven; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall, at the same or some other time, elect an acting manager or managers, and such sub-agents of the said company as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, the secretary, managers, or sub-agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or the major part of them, shall appoint; and the persons named in the first section of this act shall be directors until others are elected.

Directors to
appoint offi-
cers.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when and as soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or satisfactorily secured to be paid, to purchase land, and mulberry trees, and erect the necessary buildings and machinery, sufficient to commence the said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such time, and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such pay-

Amount of
capital stock.

Stock forfeited
on failure to
pay instal-
ments.

ments shall not be made within thirty days after a notice requiring such payment shall have been published for that time, in one or more newspapers published in the county of Salem; *Provided nevertheless*, that the instalments shall not be more than five dollars each, and at least thirty days apart.

Annual
dividends to be
made.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation; *Provided* that dividends shall annually be made to and amongst the stockholders from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided.

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation; and the officers of the preceding year shall hold their offices, respectively, until said election, or until others are appointed in their stead.

Powers and
duties of
directors.

Sec. 6. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transacting the business of the corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the laws or constitution of the United States, or of this state, as shall appear needful and proper, touching the management and disposition of the stock, estate, property, effects and profits of the said corporation, officers' appointments, clerks, managers, agents, workmen, salaries and allowances, as to them shall seem necessary, and may at their discretion remove or discharge from their employ any manager, agent, secretary, clerk, or other person engaged in said factories or business, and supply their places by the appointment of others in their stead.

Books open to
inspection of
stockholders.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their manufactory or manufactories, proper books of accounts, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of said company.

Sec. 8. *And be it enacted*, That no transfer of stock shall be valid until such transfer shall be entered or registered in the book or books to be kept by the president and directors

for that purpose, and that this act shall continue and be in force for thirty years after its passage; and further, that the legislature may at any time hereafter alter, modify or repeal this act, whenever the public good requires it.

Limitation

Act may be altered or repealed.

Passed, March 10, 1836.

AN ACT to incorporate The Mechanics' and Tradesmens' Institute of the town of Newark.

WHEREAS, it is the object of the Mechanics and Tradesmen, of the town of Newark, to purchase a site and erect thereon a seminary, to be called 'The Mechanics' and Tradesmens' Institute of the town of Newark, to be used for the cultivation and promotion of literature, sciences, and the arts, by establishing an English, classical, and mathematical seminary, a library, reading and news-room, a society for public debates, and courses of public lectures on literary and mechanical subjects.

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Timothy B. Crowell, Seth Boyden, Silas H. Kitchell, Solomon C. White, Reuben Edmonds, William P. P. Sanford, Edwin Ferguson, Timothy C. Connor, William F. Hopson, Benjamin Beaston, Aaron Johnson, James Hewson, Luke Reed, James Lawson, William Sandford, Moses Bigelow, Joseph N. Tuttle, William Little, Alvan Hedden, Isaiah F. Drake, and their associates, shall be, and they are hereby created a body politic and corporate, in name and in fact, by the name and style of the "Mechanics' and Tradesmens' Institute of the town of Newark," and by that name, they and their successors, may have perpetual succession, and shall have power in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal, and may change, alter and re-

Style of incorporation.

Powers.

Corporation
not dissolved
for failure to
elect on day
prescribed.

time happen that an election of officers should not be on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold and make an election of officers, in such a manner as shall have been regulated by the laws and ordinances of the said corporation.

Powers and
duties of direc-
tors.

Sec. 6. *And be it enacted*, That any number of directors, including the president, or one of the vice-presidents, who shall convene, on due notice being given, shall constitute a quorum for the transaction of business; and the directors for the time being, or a majority of them, shall have full power to rent or lease a house, or purchase a suitable site and build thereon a suitable house or seminary for the use and purposes prescribed in this charter; and also to make and prescribe such by-laws, rules, ordinances, regulations, and to appoint all such officers as are not herein provided for, as to them, or a majority of them, may from time to time be deemed necessary and proper for the benefit, management and disposition of the stock, property, estate, affairs, and effects, and for the purposes aforesaid; and touching the meetings of the stockholders and directors, both special and ordinary, except the first Wednesday in March, in every year, which is hereby declared to be the annual meeting of the stockholders of said corporation; and touching the duties and conduct of the officers of the said corporation, and touching the election of officers, and all such other matters as shall appertain to the business, ends, or purposes for which said corporation is by this act instituted, and for no other purposes whatsoever; *Provided always*, that such by-laws, rules, ordinances and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Proviso

Stock forfeited
on failure to
pay instal-
ments

Sec. 7. *And be it enacted*, That the property of said corporation shall be considered the property of the stockholders, and each and every person subscribing to the capital stock of the said corporation shall pay, at the time of subscribing, to the commissioners receiving such subscriptions, the sum of one dollar, in specie, upon every share so by him or her subscribed; and the directors of the said company may require payment for the remaining instalments which shall have been subscribed, at such times and in such proportions as they or a majority of them shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid, after the first, and of the time when the same are to be paid, shall be published at least thirty days in two of the newspapers printed in the town of Newark; *Provided* that no instalments to be paid shall exceed two dollars on a share.

Sec. 8. *And be it enacted,* That no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company, from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors, and that the total amount of debt which the said corporation shall at any time owe, over and above the actual deposits in the hands of the treasurer, shall not exceed twice the sum of the capital subscribed and actually paid into the hands of the treasurer; and it shall not be lawful for the said corporation to employ any part of their stock or fund for banking purposes, or for any other purposes not clearly indicated by this act. Restrictions.

Sec. 9. *And be it enacted,* That it shall be the duty of the directors of the said corporation to make semi-annual dividends, by the division of the surplus income arising from the rents of the institute, or seminary, the school, library, reading and news-room, public debates, and public lectures, after accommodating the necessary expenditures of the institution; should the dividends exceed six per cent. per annum, the remaining surplus to be devoted to increasing the library, apparatus, cabinet of specimens, and such other articles as shall be deemed necessary to carry into effect the objects of this incorporation, of the said institution. Semi annual dividends to be made.

Sec. 10. *And be it enacted,* That should this corporation cease to exist, and its operations discontinued, or should the property arising from the subscriptions cease to promote the object contemplated, then such property is to revert to the holders of the stock, or their heirs. Property to revert to stockholders.

Sec. 11. *And be it enacted,* That this act shall continue and remain in force and virtue for the term of thirty years from the passing of the same; *Provided further,* that nothing herein contained shall be construed to prevent the legislature of this state, at any time from the date hereof, from altering or repealing this act, whenever, in their opinion, the public good requires it. Limitation
Act may be altered or repealed.

Passed, March 10, 1836.

**AN ACT to incorporate the Camden and Egg Harbor
Rail Road Company.**

Style of incorporation.

Powers.

Amount of capital stock.

Commissioners to receive subscriptions.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Jesse Richards, Samuel B. Finch, Timothy Pharo, Ebenezer Tucker, and Wm. McCarty, and such other persons as may hereafter be associated for the purpose, shall be and hereby are made, constituted and declared to be a body corporate and politic in fact and in name, by the name of "The Camden and Egg Harbor Rail Road Company," and by that name they, their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Sec. 2. *And be it enacted,* That the capital stock of said company shall be two hundred thousand dollars, with liberty for the company to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers printed in each of the counties of Gloucester and Burlington; and transferable in such manner as the said corporation shall by their by-laws direct; *Provided always,* that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Sec. 3. *And be it enacted,* That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper, and after one half or more of the stock shall be subscribed, and five dollars paid on each share, shall give the like notice for a meeting of the stockholders to choose nine directors, which election shall be made at the time and place appointed, by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share entitling the holder thereof to one vote for each of the first twenty

shares, and one vote for every five shares above twenty and not exceeding one hundred, and one vote for every twenty shares above one hundred; and the above named commissioners, or a majority of them, shall appoint three stockholders to be inspectors of the said election, who shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors; and the directors chosen at such meeting, or at the annual elections, shall as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors or a majority of them, and in case of the absence of the president they or a majority of them may appoint a president pro tempore.

First directors

Sec. 4. *And be it enacted*, That an annual election for directors shall be held at such time and place in the county of Gloucester, as may be fixed by the by-laws of the company or the board of directors for the time being, and shall be advertised for twenty days in one newspaper published in each of the said counties of Burlington and Gloucester, at which said election the stockholders shall vote in the same manner as at the first election; *Provided always*, that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time upon giving the proper notice, and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Time and mode of annual election of directors.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of the same at such times and by such instalments as they may think proper, first giving notice of the time and place where and when such instalment is required to be paid, by publishing the same in one or more of the public newspapers printed in each of the counties of Gloucester and Burlington at least thirty days previous, which instalment required to be paid shall not exceed five dollars at any one time; and in case of the non-payment of any such instalment, to forfeit the share or shares upon which default shall arise, if not paid in twenty days thereafter; and to make such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation, not inconsistent with the constitution and laws of this state or of the United States; and, also, to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix

Powers and duties of directors.

the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Location of
rail road.

Branches may
be made

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, from some point or place in the county of Gloucester, within the corporate limits of the city of Camden, not exceeding sixty-six feet in width at the surface of the road, with as many sets of tracks and turn-outs as they may deem necessary; thence to or near Quaker Bridge, in Burlington county, thence to or near M'Cartyville or Wading River, and thence to such a place at or within two miles of the village of Tuckerton as may be fixed on by the president and directors; *Provided*, that if a continuous line of rail road or roads shall be made between the city of Camden and Batsto River, by any other company or companies, within six years from the passing of this act, then the company hereby incorporated shall be exonerated from the construction of that part of the rail road authorized to be constructed by this act which lies between the said city of Camden and Batsto River, or so much thereof as shall be made by any other company or companies; and it shall also be lawful for the said company to make a branch rail road to some other point or place on Great Egg Harbor bay or river, in the county of Gloucester; it shall also be lawful for any person or persons owning landings on the north side of Little Egg Harbor river or its branches, which landings are within two miles of the main line of the rail road, or the representatives of the owners, to construct branch rail roads to their landings, not exceeding five miles in length, and to charge toll thereon in the same manner, and at the same rates as this corporation is authorized to charge; and for the purpose of constructing said branches, he or they are invested with the same privileges and subject to the same liabilities and reservations as this corporation are entitled and subject to; and it shall be lawful for the owner or owners of land through which the said main line of the rail road may pass, to construct branch or spur rail roads on their own lands, and connect them with the said main line; and it shall be lawful for the said president and directors, their agents, engineers and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling or laying out said road and branches, and of locating the same, and to do all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on, and a survey thereof filed in the office of the secre-

tary of state, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use and occupy and excavate such lands, and to erect and lay rails, embankments, bridges and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided; *Provided, always*, that payment or tender of the payment of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

When company may enter on lands

Sec. 7. *And be it enacted*, That if the owners of the land, on which said rail road shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the Inferior Court of Common Pleas of the county in which said lands is situated, who is disinterested in the premises, upon the application of either party, and after ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested freeholders of said county as commissioners, to assess the price or value of said land, and all damages, who shall be sworn or affirmed, before said judge, faithfully to execute the duties of such appointment, and after ten days notice in writing to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and therein make such decision and award, as to them shall appear just and proper, and transmit such award and decision, together with such description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing, under their hands and seals, or a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken if required, by either party; if either party shall feel aggrieved by the decision of such commissioners, the parties so aggrieved may appeal to the Inferior Court of Common Pleas, of the county, at the first or second term after the decision of the commissioners, by proceeding in the form of petition to said court, giving ten days notice in writing to the opposite party of such appeal, which proceedings shall vest in said Court of Common Pleas, full right and power to hear and judge the same, and if required, they shall award a venire, in the common form,

Proceedings when company and owners of land cannot agree

for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said court, if required by either party, to order the said jury to view the premises and assess the value of said land, and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than said commissioners, then judgment shall be given with costs against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded; then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such land and real estate so appraised as aforesaid.

Value of lands
to be paid into
chancery in
certain cases.

Sec. 8. And be it enacted, That in case any owner or owners, of such land or real estate, shall be *feme covert*, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement, with the said company, then it shall be the duty of the said corporation, to pay the amount of any award or report so made in behalf of any such person, to the guardian of such persons as are under age, non compos, or into the Court of Chancery to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all of which proceedings as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for, and the said judge shall, and may order and direct the amount of costs and charges of such valuation, appraisement, and witnesses fees.

Rates for pas-
sage and trans-
portation.

Sec. 9. And be it enacted, That the president and directors of the said company shall have power to construct or purchase, and place upon their said road, wagons, carriages, or vehicles, except steam engines for the transportation of passengers or any species of property thereon as they may think proper; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger on said road, in the carriages of the said company; or three cents per mile per each ton of property, or three cents per mile for each passenger carried on said rail road in the carriages of others, and three cents per mile for each empty carriage; and that the said rail road and appendages and the land over which the same shall pass, and all the works, improvements, carriages, and all other property whatsoever, belonging to the said company at any time or times, are hereby vested in the said company, incorporated

by this act, and their successors and assigns during the continuance of this act.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over, across, or under the said road, where any public or other road shall cross the same, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over, under, or across said rail road, so that he, she, or they may easily pass the same: and it is further provided, that if the said rail road or any branch thereof, shall be located over or across any navigable stream or streams, they shall be authorized to build a bridge or bridges over the same, in such form and manner as to make the least possible obstruction to the free passage of such vessels or boats as usually navigate the same.

Other roads
not to be ob-
structed.

Sec. 11. *And be it enacted*, That the road authorized by this act, shall be and is hereby declared a public highway, and free for the passage of any rail road carriage thereon, except steam engines, with passengers or property, upon payment of the tolls prescribed by this act: *Provided always*, that the said carriages so used thereon, shall be of the same description in the formation of the wheels and length of axle, and weight of the carriages, as those used by the company, and shall be regulated as to the times of starting and rates of travelling by the company, in the same manner as the carriages of the company are.

Rail road a
public high-
way.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at or near the commencement and termination of said road, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, shops, and other buildings and improvements, as they may deem expedient for the safety of property and construction of carriages, and other necessary uses, and take and receive the rents, issues, and profits thereof.

What real es-
tate may be
held

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any rail road or branches constructed under the provisions of this act, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said company the sum of fifty dollars to be by them recovered in any court of competent jurisdiction in an action of debt; *and further*, shall be liable for all damages.

Penalty for
injuring works

Sec. 14. *And be it enacted*, That the president and directors shall, within one year, after ten miles of the said rail road shall be completed, so as to be fit for use, declare and make such dividends as they may deem prudent and proper, of the nett pro-

Semi-annual
dividends to be
made.

fits thereof, if any, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders in proportion to the amount of stock held by them respectively.

Statement to
be filed

Tax to be
paid

Sec. 15. *And be it enacted*, That when the said rail road, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the expenses of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the nett income of said road shall amount to six per centum upon its costs, and as soon as it shall do so, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter, on the first Monday in Jahnary in each year; *Provided*, that no other tax or impost except for township and county purposes shall be levied upon the said company.

When state
may take the
road.

Sec. 16. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor its value, not exceeding the original costs of the same.

Limitation

Sec. 17. *And be it enacted*, That if ten or more miles of the said road shall not be made fit for use in six years from the passage of this act, and the whole distance completed in ten years, then the right of the company to that part which shall then be unfinished shall wholly cease and be void, and the land of that part of the road unfinished, shall revert in the original owners, their heirs and assigns; *Provided*, that nothing herein shall prevent the said corporation from the use and enjoyment of such part of the said road as is finished within the said ten years.

Act may be al-
tered.

Sec. 18. *And be it enacted*, That it shall be lawful for the legislature of this state at any time hereafter to alter, modify or amend this charter.

Passed, March 10, 1836.

AN ACT to dissolve the marriage contract between Phebe Aspinall and her husband, Frederick Aspinall, of the County of Morris.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Phebe Aspinall, of the county of Morris, and Frederick, her husband, be, and the same is hereby declared to be dissolved, as fully as if they had never been joined in matrimony; *Provided nevertheless,* that the issue of such marriage shall not be deemed illegitimate in consequence of this act.

Phebe Aspinall
and Frederick
Aspinall di-
vorced.

Passed, March 10, 1836.

AN ACT to dissolve the marriage contract between John J. Vanderveer and Phebe, his wife.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract between John J. Vanderveer, of the county of Somerset, and Phebe, his wife, be, and the same is hereby declared to be dissolved; *Provided always,* that nothing in this act contained shall render illegitimate the issue of such marriage.

John J. Van-
derveer and
Phebe Vander-
veer divorced.

Passed, March 10, 1836.

**AN ACT to divorce Jane Ward, of the County of Essex,
from her husband, Charles Ward.**

Jane Ward and
Charles Ward
divorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.* That from and after the passing of this act, the marriage of Jane Ward, of the county of Essex, and Charles Ward, be, and the same is hereby dissolved, annulled and made of no effect, as fully to all intents and purposes as if they had never been joined in matrimony; *Provided*, that any issue of the said marriage shall not by this act be rendered illegitimate.

Passed, March 10, 1836.

**AN ACT authorizing the sale of certain Real Estate,
whereof Robert Dillon died seized.**

Preamble

WHEREAS it is represented to the legislature that Robert Dillon, late of the county of Gloucester, dec., was, in his life time, seized in fee of a house and lot of land situate in the township of Springfield, in the county of Burlington, containing about three acres, being the same premises conveyed to the said Robert Dillon by Thomas Lee and wife, by deed dated the second day of July, A. D. eighteen hundred and twenty-eight, and being so seized thereof, that he made and executed unto George Haywood, of the county of Burlington, a power of attorney, irrevocable, for the sale of the said premises, with power to appropriate the proceeds of the said sale, after defraying the costs and expenses thereof, to the payment of divers sums of money, advanced, and to be advanced by the said George Haywood to the said Robert Dillon, and to pay the balance thereof into the hands of the said Robert Dillon, as by the said power of attorney, duly executed by the said Robert Dillon and Elizabeth his wife, and recorded in the clerk's office of the county of Burlington, in book L. 3, of deeds,

page one hundred and forty-two, &c., may appear, and that the said Robert Dillon died seized of the said premises, before a sale thereof could be effected by virtue of the said power of attorney, and after divers sums of money had been advanced to the said Robert Dillon upon the faith thereof; *And whereas* the administrators of the said Robert Dillon have represented that the personal estate of the said Robert Dillon will be insufficient to pay his debts, and that a sale of the said real estate will be necessary for that purpose, and have prayed legislative aid in the premises, and the prayer of the said petition appearing to be just and proper—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That George Haywood and Zebedee M. Wills, esquires, of the county of Burlington, be, and they are hereby appointed commissioners, with full power and authority to make sale of the said real estate whereof the said Robert Dillon died seized, in the township of Springfield, in the county of Burlington, in such manner, and upon giving such notice of the said sale as is required by law, in case of sales of real estate made by executors or administrators, by virtue of an order of the orphans' court, and a good, legal and sufficient deeds or deeds therefor to make to any purchaser or purchasers thereof, which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate, all the right, title and interest whatsoever of the said Robert Dillon in the said real estate at the time of his death.

Lands authorized to be sold

Sec. 2. *And be it enacted,* That the said commissioners shall keep a full and fair account of the said sale, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the orphans' court of the county of Burlington, within six months after such sale shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said commissioners, after deducting from the proceeds of the said sale all necessary costs and expenses, and such reasonable commissions as shall be allowed by the said court, and after satisfying such sums of money as shall have been advanced by the said George Haywood to the said Robert Dillon, in his life time, upon the faith of the said power of attorney, with interest, shall pay the residue thereof, if any there be, into the hands of the administrators of the said Robert Dillon, to be disposed of according to law, as if the said real estate had been sold by virtue of an order of the orphans' court of the county of Burlington, for the payment of debts.

Accounts exhibited to orphans' court of Burlington.

Distribution of proceeds of sale.

Sec. 3. *And be it enacted,* That the said commissioners

Bond to be given

shall, before entering upon the execution of the trust reposed in them by this act, enter into bond to the ordinary or surrogate general of this state, in such sum, and with such security, being at least two good freeholders of this state, as the said ordinary shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the register's office of this state, and shall be good, to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted, in any court of record, at the request, and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Rights of others not to be affected

Sec. 4. *And be it enacted*, That no sale or conveyance made under or by virtue of this act, shall impair, or in any wise affect the right or title of any person or persons whatever in the said real estate, other than the heirs at law of the said Robert Dillon and those claiming under them or either of them.

Passed, March 10, 1836.

A SUPPLEMENT to "An act concerning stray cattle, horses, and sheep," passed the seventh of March, seventeen hundred and ninety-seven.

Township clerks to publish lists of stray horses and cattle.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the township clerks, in each county of this state, between the first day of November and the twentieth day of December, of each year, to publish in one newspaper published in his county, if there be any such paper, if not, then in a newspaper published in the adjoining county; the list and number of estray neat cattle and horses, of which he shall have made a full entry thereof, enjoined on him to make, in and by the act to which this is a supplement, and continue the said list and number of estrays in said paper,

for three successive weeks, designating the township and county, and sign his name thereto as town clerk; and for which said service, the said clerk shall be allowed his reasonable charges and expenses therefor, by the township committee, in the settlement of his accounts with them.

Passed, March 10, 1836.

~~REPEALED~~

A SUPPLEMENT to the act entitled "An Act concerning Taxes."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any assessor, or township collector, shall neglect or refuse to perform any duty or service required of him by law, whereby the proportion or quota of any tax or taxes, as fixed and ascertained at a meeting of the assessors of the county, to be assessed and levied in the township for which he has been chosen or appointed assessor or collector, or any part thereof shall not be assessed or collected as by law directed, the said township shall be liable for the same; and the deficiency arising from any such cause, shall and may be recovered with interest and costs of suit against the inhabitants of said township, by their corporate name, in an action of debt or trespass on the case, by and in the corporate name, of the board of chosen freeholders of the county, for the use of the county; and in case of a recovery in any such action, the assessor or township collector, for whose neglect or refusal the said township shall have been made liable, may recover the same with interest and costs in the corporate name of the inhabitants of said township, in an action of debt or trespass on the case, against such assessor or collector for whose default the said township shall have been made liable.

Township responsible for neglect of assessor and collector.

Passed, March 10, 1836.

AN ACT authorizing the sale of the real estate of Martha Moore, and the recovery of the rents of the same.

Preamble

WHEREAS it is represented that Martha Moore, single woman, now is, and for several years past, has been a lunatic, and unable to take care of herself, or her estate, and during that time has been, and now is a pauper, chargeable to, and supported by the township of Hopewell, in the county of Hunterdon, and that said Martha Moore owns no personal estate, but is entitled to certain real estate, which descended to her as one of the heirs of her father, Cornelius Moore, deceased, which real estate has been, for a long time, and now is, used and occupied by some person or persons having no right or title thereto, without paying any rent therefor, and no guardian of the person and estate of said Martha Moore having been appointed, and said estate being but little more than sufficient to pay the expense of procuring the appointment of a guardian, in the ordinary mode, and it being proper and just that all the estate of said Martha Moore should be appropriated to her support :—therefore,

Lands authorized to be sold

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John G. Muirhead, and George W. Smith, overseers of the poor of said township of Hopewell, and their successors in office, be, and they are hereby fully authorized and empowered to sell, at public sale, all the real estate, belonging to the said Martha Moore, they giving at least two months notice of the time and place of such sale, by setting up notice thereof, in writing, in at least five public places in said county, and to make to the purchaser or purchasers thereof, a good and sufficient deed or deeds for the same, which shall be good and effectual to vest in the grantee or grantees, all the right and title of the said Martha Moore, in and to the same; and all the moneys arising from such sale shall, after defraying all necessary expenses, be by said overseers appropriated to the support and maintenance of said Martha Moore.

Appropriation of proceeds of sale and rents

Sec. 2. *And be it enacted,* That the said John G. Muirhead and George W. Smith, overseers as aforesaid, and their successors in office, be, and they are hereby fully authorized and empowered to demand and receive from any person or persons, whatever, who may have used, occupied, or enjoyed said real estate, or any part thereof, all rents or moneys due or to become due, for such use, occupation, or enjoyment; and in order to recover the same, said overseers and their successors in office, are hereby fully authorized and empowered to sue for

the same, either in the name of said Martha Moore, or in their own names, as such overseers, in any court of competent jurisdiction; all moneys so to be received or recovered, to be by them appropriated to the support of said Martha Moore, first deducting necessary expenses; and said overseers shall be accountable to said township of Hopewell, for all moneys to be by them received under this act, in the same manner as for all moneys which they may receive by virtue of their office.

Passed, March 10, 1836.

**AN ACT to incorporate the Hudson Fire Company, of
Hoboken, Bergen County.**

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That Edwin R. V. Wright, Calvin Mulford, Henry A. Conover, John C. Slemmer, Nathaniel H. Carpenter, Pierre D. Van Rensselaer, William Havens, and all other persons, not exceeding fifty in number, who now are or hereafter shall become members of the Hudson Fire Company of Hoboken, Bergen county, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Hudson Fire Company of Hoboken," and by such name they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure; and by their name, as aforesaid, and under their common seal, may make, enter into and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such a form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and

Style of incorporation.

Powers.

Bond to be given

shall, before entering upon the execution of the trust reposed in them by this act, enter into bond to the ordinary or surrogate general of this state, in such sum, and with such security, being at least two good freeholders of this state, as the said ordinary shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the register's office of this state, and shall be good, to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted, in any court of record, at the request, and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Rights of others not to be affected

Sec. 4. *And be it enacted*, That no sale or conveyance made under or by virtue of this act, shall impair, or in any wise affect the right or title of any person or persons whatever in the said real estate, other than the heirs at law of the said Robert Dillon and those claiming under them or either of them.

Passed, March 10, 1836.

A SUPPLEMENT to "An act concerning stray cattle, horses, and sheep," passed the seventh of March, seventeen hundred and ninety-seven.

Township clerks to publish lists of stray horses and cattle.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the township clerks, in each county of this state, between the first day of November and the twentieth day of December, of each year, to publish in one newspaper published in his county, if there be any such paper, if not, then in a newspaper published in the adjoining county; the list and number of estray neat cattle and horses, of which he shall have made a full entry thereof, enjoined on him to make, in and by the act to which this is a supplement, and continue the said list and number of estrays in said paper,

for three successive weeks, designating the township and county, and sign his name thereto as town clerk; and for which said service, the said clerk shall be allowed his reasonable charges and expenses therefor, by the township committee, in the settlement of his accounts with them.

Passed, March 10, 1836.

A SUPPLEMENT to the act entitled "An Act concerning Taxes."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any assessor, or township collector, shall neglect or refuse to perform any duty or service required of him by law, whereby the proportion or quota of any tax or taxes, as fixed and ascertained at a meeting of the assessors of the county, to be assessed and levied in the township for which he has been chosen or appointed assessor or collector, or any part thereof shall not be assessed or collected as by law directed, the said township shall be liable for the same; and the deficiency arising from any such cause, shall and may be recovered with interest and costs of suit against the inhabitants of said township, by their corporate name, in an action of debt or trespass on the case, by and in the corporate name, of the board of chosen freeholders of the county, for the use of the county; and in case of a recovery in any such action, the assessor or township collector, for whose neglect or refusal the said township shall have been made liable, may recover the same with interest and costs in the corporate name of the inhabitants of said township, in an action of debt or trespass on the case, against such assessor or collector for whose default the said township shall have been made liable.

Township responsible for neglect of assessor and collector.

Passed, March 10, 1836.

the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Location of
rail road.

Branches may
be made

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, from some point or place in the county of Gloucester, within the corporate limits of the city of Camden, not exceeding sixty-six feet in width at the surface of the road, with as many sets of tracks and turn-outs as they may deem necessary; thence to or near Quaker Bridge, in Burlington county, thence to or near M'Cartyville or Wading River, and thence to such a place at or within two miles of the village of Tuckerton as may be fixed on by the president and directors; *Provided*, that if a continuous line of rail road or roads shall be made between the city of Camden and Batsto River, by any other company or companies, within six years from the passing of this act, then the company hereby incorporated shall be exonerated from the construction of that part of the rail road authorized to be constructed by this act which lies between the said city of Camden and Batsto River, or so much thereof as shall be made by any other company or companies; and it shall also be lawful for the said company to make a branch rail road to some other point or place on Great Egg Harbor bay or river, in the county of Gloucester; it shall also be lawful for any person or persons owning landings on the north side of Little Egg Harbor river or its branches, which landings are within two miles of the main line of the rail road, or the representatives of the owners, to construct branch rail roads to their landings, not exceeding five miles in length, and to charge toll thereon in the same manner, and at the same rates as this corporation is authorized to charge; and for the purpose of constructing said branches, he or they are invested with the same privileges and subject to the same liabilities and reservations as this corporation are entitled and subject to; and it shall be lawful for the owner or owners of land through which the said main line of the rail road may pass, to construct branch or spur rail roads on their own lands, and connect them with the said main line; and it shall be lawful for the said president and directors, their agents, engineers and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling or laying out said road and branches, and of locating the same, and to do all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on, and a survey thereof filed in the office of the secre-

tary of state, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use and occupy and excavate such lands, and to erect and lay rails, embankments, bridges and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided; *Provided, always*, that payment or tender of the payment of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

When company may enter on lands

Sec. 7. *And be it enacted*, That if the owners of the land, on which said rail road shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the Inferior Court of Common Pleas of the county in which said lands is situated, who is disinterested in the premises, upon the application of either party, and after ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested freeholders of said county as commissioners, to assess the price or value of said land, and all damages, who shall be sworn or affirmed, before said judge, faithfully to execute the duties of such appointment, and after ten days notice in writing to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and therein make such decision and award, as to them shall appear just and proper, and transmit such award and decision, together with such description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing, under their hands and seals, or a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken if required, by either party; if either party shall feel aggrieved by the decision of such commissioners, the parties so aggrieved may appeal to the Inferior Court of Common Pleas, of the county, at the first or second term after the decision of the commissioners, by proceeding in the form of petition to said court, giving ten days notice in writing to the opposite party of such appeal, which proceedings shall vest in said Court of Common Pleas, full right and power to hear and judge the same, and if required, they shall award a venire, in the common form,

Proceedings when company and owners of land cannot agree

for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said court, if required by either party, to order the said jury to view the premises and to assess the value of said land, and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than said commissioners, then judgment shall be given with costs against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded; then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such land and real estate so appraised as aforesaid.

Value of lands
to be paid into
chancery in
certain cases.

Sec. 8. *And be it enacted*, That in case any owner or owners, of such land or real estate, shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement, with the said company, then it shall be the duty of the said corporation, to pay the amount of any award or report so made in behalf of any such person, to the guardian of such persons as are under age, non compos, or into the Court of Chancery to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all of which proceedings as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for, and the said judge shall, and may order and direct the amount of costs and charges of such valuation, appraisement, and witnesses fees.

Rates for pas-
sage and trans-
portation.

Sec. 9. *And be it enacted*, That the president and directors of the said company shall have power to construct or purchase, and place upon their said road, wagons, carriages, or vehicles, except steam engines for the transportation of passengers or any species of property thereon as they may think proper; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger on said road, in the carriages of the said company; or three cents per mile per each ton of property, or three cents per mile for each passenger carried on said rail road in the carriages of others, and three cents per mile for each empty carriage; and that the said rail road and appendages and the land over which the same shall pass, and all the works, improvements, carriages, and all other property whatsoever, belonging to the said company at any time or times, are hereby vested in the said company, incorporated

by this act, and their successors and assigns during the continuance of this act.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over, across, or under the said road, where any public or other road shall cross the same, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over, under, or across said rail road, so that he, she, or they may easily pass the same: and it is further provided, that if the said rail road or any branch thereof, shall be located over or across any navigable stream or streams, they shall be authorized to build a bridge or bridges over the same, in such form and manner as to make the least possible obstruction to the free passage of such vessels or boats as usually navigate the same.

Other roads
not to be ob-
structed.

Sec. 11. *And be it enacted*, That the road authorized by this act, shall be and is hereby declared a public highway, and free for the passage of any rail road carriage thereon, except steam engines, with passengers or property, upon payment of the tolls prescribed by this act: *Provided always*, that the said carriages so used thereon, shall be of the same description in the formation of the wheels and length of axle, and weight of the carriages, as those used by the company, and shall be regulated as to the times of starting and rates of travelling by the company, in the same manner as the carriages of the company are.

Rail road a
public high-
way.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at or near the commencement and termination of said road, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, shops, and other buildings and improvements, as they may deem expedient for the safety of property and construction of carriages, and other necessary uses, and take and receive the rents, issues, and profits thereof.

What real es-
tate may be
held

Sec. 13. *And be it enacted*, That if any person shall willfully impair, injure, destroy or obstruct the use of any rail road or branches constructed under the provisions of this act, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said company the sum of fifty dollars to be by them recovered in any court of competent jurisdiction in an action of debt; *and further*, shall be liable for all damages.

Penalty for
injuring works

Sec. 14. *And be it enacted*, That the president and directors shall, within one year, after ten miles of the said rail road shall be completed, so as to be fit for use, declare and make such dividends as they may deem prudent and proper, of the nett pro-

Semi-annual
dividends to be
made.

fits thereof, if any, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders in proportion to the amount of stock held by them respectively.

Statement to
be filed

Tax to be
paid

Sec. 15. *And be it enacted*, That when the said rail road, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the expenses of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the nett income of said road shall amount to six per centum upon its costs, and as soon as it shall do so, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter, on the first Monday in Jahnary in each year; *Provided*, that no other tax or impost except for township and county purposes shall be levied upon the said company.

When state
may take the
road.

Sec. 16. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor its value, not exceeding the original costs of the same.

Limitation

Sec. 17. *And be it enacted*, That if ten or more miles of the said road shall not be made fit for use in six years from the passage of this act, and the whole distance completed in ten years, then the right of the company to that part which shall then be unfinished shall wholly cease and be void, and the land of that part of the road unfinished, shall revert in the original owners, their heirs and assigns; *Provided*, that nothing herein shall prevent the said corporation from the use and enjoyment of such part of the said road as is finished within the said ten years.

Act may be al-
tered.

Sec. 18. *And be it enacted*, That it shall be lawful for the legislature of this state at any time hereafter to alter, modify or amend this charter.

Passed, March 10, 1836.

AN ACT to dissolve the marriage contract between Phebe Aspinall and her husband, Frederick Aspinall, of the County of Morris.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.* That the marriage contract heretofore existing between Phebe Aspinall, of the county of Morris, and Frederick, her husband, be, and the same is hereby declared to be dissolved, as fully as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of such marriage shall not be deemed illegitimate in consequence of this act.

Phebe Aspinall
and Frederick
Aspinall di-
vorced.

Passed, March 10, 1836.

AN ACT to dissolve the marriage contract between John J. Vanderveer and Phebe, his wife.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.* That the marriage contract between John J. Vanderveer, of the county of Somerset, and Phebe, his wife, be, and the same is hereby declared to be dissolved; *Provided always*, that nothing in this act contained shall render illegitimate the issue of such marriage.

John J. Van-
derveer and
Phebe Vander-
veer divorced.

Passed, March 10, 1836.

The county of Salem shall pay the sum of two thousand one hundred and fifty-six dollars, and sixty cents.

Enumeration
of articles tax-
ed at specific
sums

The county of Cape May, shall pay the sum of six hundred and forty-six dollars.

Sec. 3. *And be it enacted*, That the assessors of the several townships of this state, to raise the sum of forty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums :—

Every covering horse, above three years old, any sum, not exceeding ten dollars, to be paid by the person where the horse is kept ; all other horses or mules, three years old and upwards, any sum not exceeding six cents ; all neat cattle, three years old and upwards, any sum, not exceeding three cents : such cattle to be assessed in the township where the cattle are owned, unless such owner reside out of the state of New Jersey ; in that case, the tax to be paid by the owner of the land where they are grazed.

Enumeration
of articles tax-
ed at discretion
of assessor.

Sec. 4. *And be it enacted*, That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things, shall be valued and rated at the discretion of the assessor, to wit :

All tracts of land, any sum not exceeding one hundred dollars by the hundred acres ; *Provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

All householders (under which description shall be included all married men) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars, over and above their certainties and other estate made ratable by this act.

All merchants, shop-keepers, and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding six dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding fifty dollars.

All saw mills, for each saw, not exceeding eight dollars.

All forges that work pig iron, and forges and bloomerics that work bar iron, immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or presses, any sum not exceeding nine dollars.

All bark mills, propelled by water or steam, for grinding bark for sale, any sum not exceeding nine dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards, where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars: *provided*, that any one taxed as a single man shall not be taxed as a householder.

Every male slave, under the age of sixty years, any sum not exceeding one dollar; *Provided*, no slave shall be taxed who is unable to labor.

All distilleries, used for distilling spirits from rye or other grain, or molasses, or other foreign materials, any sum not exceeding thirty-five dollars.

All other distilleries, used for distilling, any sum not exceeding ten dollars; having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four wheel chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four horse stage wagon, any sum not exceeding five dollars.

Every two horse stage wagon, any sum not exceeding two dollars and fifty cents.

Every covered wagon with a frame or fixed top, any sum not exceeding one dollar.

Every two horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying company, any sum not exceeding ten dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Duty of assessor

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out, in his tax book and the duplicate thereof, a fair valuation of all the real estate made liable by law, having regard to the yearly rent and value thereof; and that the amount of tax assessed in each township above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing and penalty for neglect of duty

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars, shall be assessed, levied, and collected, in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, in the year one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties, imposed by said act; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

Passed, March 10, 1836.

A FURTHER SUPPLEMENT to the Act entitled "An Act to incorporate the New Jersey Turnpike Company."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for any three or more freeholders, resident in the counties of Warren, Hunterdon or Somerset, in this state, to apply to the supreme court of this state, by petition, setting forth that the road of the New Jersey Turnpike Company is not in good repair; and thereupon the said court shall proceed to hear and determine the matters set forth in said petition, upon affidavit taken either before the said court or before one of the commissioners of the said supreme court, and that a right of trial by jury be had if applied for by either party, first causing notice to be given to the said company of the filing of the said petition, and of the taking of said affidavits, as in other cases pending in said supreme court; and if the said court shall be satisfied that the said road, or any part thereof, is not fully constructed and in such a state of repair as is required by the charter of the said company, the said court shall thereupon order that no tolls shall be received or taken on said road until the said court shall be satisfied that the said road is constructed and repaired as in the said charter is required, and an order be made by the said court accordingly.

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Passed, March 10, 1836.

AN ACT supplementary to the several Acts relating to the partition of Real Estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That when two or more persons shall hold real estate, as coparceners, joint tenants, or tenants in common, any one or more of whom are minors under the age of twenty-one

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years, it shall and may be lawful for the orphans' court of the county in which such real estate may be, upon application made by any one or more of said coparceners, joint tenants, or tenants in common, or by any person duly authorized in their behalf, or claiming under them or any of them, to order and direct a division of such real estate to be made between the said owners, in such shares and proportions as they may be entitled to by law, the metes and bounds of each of their shares to be ascertained by three disinterested commissioners, to be appointed by the court, whose report or the report of any two of them, made in writing under their hands, to the next or any subsequent term of the said court, after such division shall be made, and approved of by the said court, shall be conclusive to all parties concerned, and a copy of the appointment of said commissioners, together with their report, shall be recorded in a book or books to be kept for that purpose in the office of the clerk of said court, and that copies thereof duly certified under the hand and seal of said court, shall be good evidence in all courts of law or equity.

Court may direct a sale

Sec. 2. *And be it enacted*, That in case the said division cannot be made without prejudice to the said estate, or the interest of some of the parties concerned therein, the said court may order the said commissioners to make sale thereof.

Mode of division or sale

Sec. 3. *And be it enacted*, That the said division and sale, as the case may be, shall be made and conducted in the same manner, in all respects, as is directed by the act entitled "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state," passed the thirteenth day of June, eighteen hundred and twenty.

Passed, March 10, 1836.

A SUPPLEMENT to the Act entitled "An Act for the support of the Government of this State," passed the eleventh day of November, eighteen hundred and thirty-five.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be paid to the chief justice of the supreme court of this state, for the time being, at the rate of fifteen hundred dollars by the year, and to each of the associate justices of the supreme court of this state, for the time being, at the rate of fourteen hundred dollars by the year; which yearly sums shall commence and be payable to the said justices, half yearly, from the times when their last half year's salaries became due and payable to them respectively. Sal
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inc

Sec. 2. *And be it enacted,* That so much of the act to which this is a supplement as provides for the salaries of the said justices of the supreme court, be, and the same is hereby repealed. Par
act

Passed, March 10, 1836.

A SUPPLEMENT to the Act entitled "An Act for the relief of the Trustees of the Paterson Academy," passed November twenty-three, eighteen hundred and twenty-two.

WHEREAS the trustees of the Paterson Academy have become incorporated under the general law of this state for the promotion of learning, and have acquired some real and personal estate; *And whereas* inconvenience has arisen from a doubt as to the mode of transferring the interests of the subscribers to said society—Therefore, Proa

Sec. 1. *BE IT ENACTED by the Council and General As-*

AN ACT to incorporate the Lambertville Manufacturing Company.

Style of incorporation. **Amount of capital stock.** **Time and mode of electing directors.** **Stock forfeited on failure to pay instalments.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John Coryell, John Lilly, Samuel D. Stryker, James A. Simpson, Jacob B. Smith, William Hall, and Thomas B. Fidler, and their associates and successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Lambertville Manufacturing Company," for the purpose of manufacturing cotton, wool or flax, and shall open books of subscription, and have power to raise, in shares of twenty-five dollars each, a capital of one hundred thousand dollars, with privilege to increase the same to two hundred thousand dollars; and as soon as three hundred shares shall be subscribed, and five dollars on each share paid in, the individuals above named, or any four of them, may, by public notice of thirty days, given in one or more of the public newspapers, printed in the county of Hunterdon, call a meeting of the stockholders of the said company for an election of seven directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy, the said individuals above named, or any four of them, to be inspectors or judges of said first election; and the said directors, when elected, shall choose out of their number a president; and the directors of the said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three inspectors of said election who are not directors; and the directors so elected shall continue in office until their successors are elected; and shall, at all times, have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state, or of the United States; and shall also have power to call in said stock, from time to time, by instalments, not exceeding five dollars at any one instalment, by giving public notice as aforesaid, and to declare forfeited to the said company, the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *Provided*, previous notice of thirty days shall have been given to each delinquent stockholder.

Sec. 2. *And be it enacted,* That all elections for directors of said company shall be by ballot; and if the directors, for the time being, of said company, shall at any time neglect or

refuse to give notice, as in the first section of the act directed, for the election of directors, that then, in default or refusal, the stockholders, or a majority of them, within the time in such case prescribed by law, may call such meeting, and elect directors, in like manner as if the said directors had given notice as by the act required; and if, at any election for directors, the persons voted for shall receive an equal number of votes, the directors, for the time being, shall determine which of the said persons so having an equal number of votes shall be director or directors, as shall be necessary to complete such election; and upon the death or resignation of any of the said directors, the remaining directors may choose from among the stockholders some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be completed.

Sec. 3. *And be it enacted,* That the said directors, when they enter upon the duties of their office, shall severally and subscribe an oath or affirmation faithfully to promote the interests of the said company; and they may appoint a secretary, treasurer and such other officers and agents as they may from time to time deem necessary and useful, with such compensation as they may think proper, and require from such officers and agents as well as from themselves an affirmation of fidelity as such bond and security for the good conduct as may to them appear reasonable and proper.

Sec. 4. *And be it enacted,* That the said company, for the purpose of promoting the manufacture of cotton and flax, or any of the said articles, and of erecting such machinery as may promote the manufacture of said articles, may purchase, rent, take and hold, or otherwise become seized of, and hold, all such lands, not exceeding five hundred acres, and water power, and other real and personal estate in the village of Lambertville, or in the township of Lambert, as may be necessary and useful for the purposes of the said act, and the same improve and use, or sell, let, or dispose of, as they shall deem proper, and the said company, under their corporate name may sue and be sued, plead and be pleaded, in all courts whatsoever, may have a seal, and alter and renew the same at pleasure, and may enjoy and exercise all the rights, power and privileges pertaining to corporate bodies and necessary for the carrying into effect of this act; *Provided always,* that the privileges hereby granted shall not be so construed as to interfere with the rights of any other person or persons body corporate or sole.

Sec. 5. *And be it enacted,* That a dividend of the profits of the said company, except so much thereof as

Semi-annual
dividends to be
made.

apart for a surplus fund (which surplus fund shall not exceed at any one time five thousand dollars), shall be semi-annually made by the said directors among the stockholders; and the books of the said company shall at all times be open for the inspection of the said stockholders; *Provided*, that no dividend shall be made except from the actual profits of said company.

Restrictions.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable on the books of the said company, and that no part of the fund of the company shall be used for banking purposes, or any other purposes not clearly indicated by this act.

Limitation

Act may be al-
tered or repeal-
ed.

Sec. 7. *And be it enacted*, That this act shall continue in force until the first day of May, in the year of our Lord one thousand eight hundred and sixty-six, and no longer, and that at any time hereafter the legislature may repeal, alter or modify the same, as in their opinion the public good may require.

Passed, March 10, 1836.

AN ACT making a further appropriation for the prosecution of the Geological and Mineralogical Survey of the State.

2,000 dollars
appropriated
for geological
and mineralo-
gical survey.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Governor or person administering the government of this state, be, and is hereby authorized to draw from any unappropriated money in the treasury of this state, the further sum of two thousand dollars, to be appropriated under his direction, to the continuation of the Geological and Mineralogical Survey of this state.

Passed, March 10, 1836.

AN ACT to raise the sum of forty thousand dollars, for the year one thousand eight hundred and thirty-six.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be assessed, levied, and collected on the inhabitants of this state, their goods, moneys, and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and thirty-seven.

Forty thousand dollars to be raised.

Sec. 2. *And be it enacted,* That the said sum of forty thousand dollars shall be paid by the several counties of this state, in the proportion following, that is to say:—

Proportions of the several counties

The county of Bergen shall pay the sum of two thousand five hundred and ninety-nine dollars, and eighty-four cents.

The county of Essex shall pay the sum of three thousand eight hundred and twenty-two dollars, and four cents.

The county of Middlesex shall pay the sum of three thousand two hundred and fifty-three dollars, and thirty-six cents.

The county of Somerset shall pay the sum of two thousand six hundred and forty-two dollars, and eighty-six cents.

The county of Sussex shall pay the sum of two thousand and twenty-five dollars, and seventy cents.

The county of Morris shall pay the sum of three thousand one hundred and thirty-six dollars, and two cents.

The county of Warren shall pay the sum of two thousand one hundred and eighty-five dollars, and fifty cents.

The county of Monmouth shall pay the sum of three thousand seven hundred and twenty-three dollars, and sixty-eight cents.

The county of Hunterdon shall pay the sum of four thousand five hundred and thirty-five dollars, and eighty-four cents.

The county of Burlington shall pay the sum of four thousand three hundred and seven dollars, and twelve cents.

The county of Gloucester shall pay the sum of three thousand three hundred and seventy-nine dollars, and twenty-six cents.

The county of Cumberland shall pay the sum of one thousand five hundred and eighty-six dollars, and eighteen cents.

The county of Salem shall pay the sum of two thousand one hundred and fifty-six dollars, and sixty cents.

Enumeration
of articles tax-
ed at specific
sums

The county of Cape May, shall pay the sum of six hundred and forty-six dollars.

Sec. 3. *And be it enacted*, That the assessors of the several townships of this state, to raise the sum of forty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums :—

Every covering horse, above three years old, any sum, not exceeding ten dollars, to be paid by the person where the horse is kept ; all other horses or mules, three years old and upwards, any sum not exceeding six cents ; all neat cattle, three years old and upwards, any sum, not exceeding three cents : such cattle to be assessed in the township where the cattle are owned, unless such owner reside out of the state of New Jersey ; in that case, the tax to be paid by the owner of the land where they are grazed.

Enumeration
of articles tax-
ed at discretion
of assessor.

Sec. 4. *And be it enacted*, That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things, shall be valued and rated at the discretion of the assessor, to wit :

All tracts of land, any sum not exceeding one hundred dollars by the hundred acres ; *Provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

All householders (under which description shall be included all married men) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars, over and above their certainties and other estate made ratable by this act.

All merchants, shop-keepers, and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding six dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding fifty dollars.

All saw mills, for each saw, not exceeding eight dollars.

All forges that work pig iron, and forges and bloomerics that work bar iron, immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or presses, any sum not exceeding nine dollars.

All bark mills, propelled by water or steam, for grinding bark for sale, any sum not exceeding nine dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards, where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars: *provided*, that any one taxed as a single man shall not be taxed as a householder.

Every male slave, under the age of sixty years, any sum not exceeding one dollar; *Provided*, no slave shall be taxed who is unable to labor.

All distilleries, used for distilling spirits from rye or other grain, or molasses, or other foreign materials, any sum not exceeding thirty-five dollars.

All other distilleries, used for distilling, any sum not exceeding ten dollars; having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachae, or four wheel chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four horse stage wagon, any sum not exceeding five dollars.

Every two horse stage wagon, any sum not exceeding two dollars and fifty cents.

Every covered wagon with a frame or fixed top, any sum not exceeding one dollar.

Every two horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying company, any sum not exceeding ten dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Duty of assessor

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out, in his tax book and the duplicate thereof, a fair valuation of all the real estate made liable by law, having regard to the yearly rent and value thereof; and that the amount of tax assessed in each township above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing and penalty for neglect of duty

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars, shall be assessed, levied, and collected, in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, in the year one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties, imposed by said act; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

Passed, March 10, 1836.

**A FURTHER SUPPLEMENT to the Act of
Act to incorporate the New Jersey Turnpike
pany."**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the the same,* That it shall be lawful for any three or more holders, resident in the counties of Warren, Hudson, Somerset, in this state, to apply to the supreme court of this state, by petition, setting forth that the road of the New Jersey Turnpike Company is not in good repair; and the said court shall proceed to hear and determine the matters set forth in said petition, upon affidavit taken before the said court or before one of the commissioners of the said supreme court, and that a right of trial by jury, if applied for by either party, first causing notice to be given to the said company of the filing of the said petition; and the taking of said affidavits, as in other cases pending in the said supreme court; and if the said court shall be satisfied that the said road, or any part thereof, is not fully and in such a state of repair as is required by the charter of the said company, the said court shall thereupon order that no tolls shall be received or taken on said road until the said court shall be satisfied that the said road is completely repaired as in the said charter is required, and the said court shall make by the said court accordingly.

Passed, March 10, 1836.

AN ACT supplementary to the several Acts of the Legislature relating to the partition of Real Estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the the same,* That when two or more persons shall own real estate, as coparceners, joint tenants, or tenants in common, and one or more of whom are minors under the age of

years, it shall and may be lawful for the orphans' court of the county in which such real estate may be, upon application made by any one or more of said coparceners, joint tenants, or tenants in common, or by any person duly authorized in their behalf, or claiming under them or any of them, to order and direct a division of such real estate to be made between the said owners, in such shares and proportions as they may be entitled to by law, the metes and bounds of each of their shares to be ascertained by three disinterested commissioners, to be appointed by the court, whose report or the report of any two of them, made in writing under their hands, to the next or any subsequent term of the said court, after such division shall be made, and approved of by the said court, shall be conclusive to all parties concerned, and a copy of the appointment of said commissioners, together with their report, shall be recorded in a book or books to be kept for that purpose in the office of the clerk of said court, and that copies thereof duly certified under the hand and seal of said court, shall be good evidence in all courts of law or equity.

Court may direct a sale

Sec. 2. *And be it enacted*, That in case the said division cannot be made without prejudice to the said estate, or the interest of some of the parties concerned therein, the said court may order the said commissioners to make sale thereof.

Mode of division or sale

Sec. 3. *And be it enacted*, That the said division and sale, as the case may be, shall be made and conducted in the same manner, in all respects, as is directed by the act entitled "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state," passed the thirteenth day of June, eighteen hundred and twenty.

Passed, March 10, 1836.

A SUPPLEMENT to the Act entitled "An Act for the support of the Government of this State," passed the eleventh day of November, eighteen hundred and thirty-five.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be paid to the chief justice of the supreme court of this state, for the time being, at the rate of fifteen hundred dollars by the year, and to each of the associate justices of the supreme court of this state, for the time being, at the rate of fourteen hundred dollars by the year; which yearly sums shall commence and be payable to the said justices, half yearly, from the times when their last half year's salaries became due and payable to them respectively.

Sec. 2. *And be it enacted,* That so much of the act to which this is a supplement as provides for the salaries of the said justices of the supreme court, be, and the same is hereby repealed.

Passed, March 10, 1836.



A SUPPLEMENT to the Act entitled "An Act for the relief of the Trustees of the Paterson Academy," passed November twenty-three, eighteen hundred and twenty-two.

WHEREAS the trustees of the Paterson Academy have become incorporated under the general law of this state for the promotion of learning, and have acquired some real and personal estate; *And whereas* inconvenience has arisen from a doubt as to the mode of transferring the interests of the subscribers to said society—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General As-*

Shares to descend as personal estate

sembly of this State, and it is hereby enacted by the authority of the same, That the subscribers to said society, who have paid eight dollars, may transfer their interest therein, by an assignment, in writing, to the president, or to the board of trustees, for the time being; and in case of the death of any of the subscribers, or their assigns, his, her or their share or shares shall descend as personal estate, to his, her or their legal representatives, for the purposes authorized by the act entitled "An act to incorporate societies for the promotion of learning," passed the twenty-seventh November, seventeen hundred and ninety-four, and a supplement thereto, passed the sixth June, eighteen hundred and twenty.

Passed, March 10, 1836.

A FURTHER SUPPLEMENT to an Act entitled "An Act to authorize the construction of a Rail Road connecting the Morris Canal with the Paterson and Hudson River Rail Road," passed the third day of February, eighteen hundred and thirty-one.

Time for completion of road extended

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the time for making and completing the rail road and lateral roads authorized by the act to which this is a further supplement, be extended to five years from the fourth day of July next, and that the said act above recited, and the supplement thereto, passed the first December, eighteen hundred and thirty-one, be, and the same are hereby made of the same force and effect, as if the said company had commenced and finished for use of their said road or lateral roads, agreeably to the provisions of the seventeenth section of said act of incorporation.

Passed, March 10, 1836.

AN ACT incorporating the Hamburg Manufacturing Company, in the county of Sussex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Joseph E. Edsall, Robert Hamilton, and William Edsall, and such others as now are, or hereafter may be associated with them, be, and they are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "The Hamburg Manufacturing Company," in the county of Sussex, for the sole purpose of manufacturing all kinds of cast and wrought iron, cotton and wool, in Hamburg, in the county of Sussex, in this state, and carrying on the business incident to their said manufactory, in the county aforesaid, and by that name they and their successors and assigns shall and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at pleasure, and that they and their successors, by the same name and style shall be capable of purchasing, holding, using, and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the said real estate so to be purchased and holden, shall be such only as may be necessary for the purposes, for which this corporation is established, not exceeding in value, the sum of fifty thousand dollars.

Style of incorporation.

Objects of incorporation.

Sec. 2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, which shall be divided into shares of fifty dollars each: but it shall nevertheless be lawful for the said corporation, when and so soon as twenty-five thousand dollars of the said stock shall have been subscribed and paid, to commence their said business, and with that capital, conduct and carry it on until they shall find it expedient to extend their capital; which they are authorized to do, from time to time, to the amount herein before mentioned.

Amount of capital

Sec. 8. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation, shall be managed and conducted by five directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall at all times during their continuance in office, be stockholders in the said company, in their

Time and mode of electing directors.

own right, and shall be citizens of the United States; and the said directors shall hereafter be elected on the first Monday in May, in each and every year, at such hour of the day, and at such place, as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper printed in the county, if there be any one printed therein, or in one or more newspapers printed in the state, nearest the aforesaid works, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of three of the stockholders, to be appointed previously to every election by the board of directors; and such election shall be made by ballot and a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; and no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election.

Commissioners to receive subscriptions.

Sec. 4. *And be it enacted*, That Joseph E. Edsall, Joseph Linn, William Edsall, Elias L. Homedieu, and Francis Hamilton, shall be commissioners, whose duty it shall be, at some suitable place in the county of Sussex, or elsewhere, to open books to receive subscriptions to the capital stock of the said corporation, and twenty days public notice shall be given by the said commissioners of the time and place of the opening of such books, and also the amount of the first instalment to be then paid, in two of the newspapers printed as aforesaid, and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders, to choose five directors, and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books and the moneys and securities received for subscriptions, and the time and place of holding the first meeting of directors, shall be fixed by the said commissioners.

Officers to be appointed

Sec. 5. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall, as soon as may be after their appointment, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of the death, resignation, or inability to serve of the president, or any directors of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Sec. 6. *And be it enacted*, That if it should happen at any

time that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall be lawful on any other day to make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 7. *And be it enacted,* That the stock of the said corporation shall be assignable and transferable according to such rules and subject to such restrictions and regulations as the board of directors shall from time to time make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due, or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale, or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid or secured to be paid to the satisfaction of the board of directors; and unless such claim or demand shall be paid, or secured to be paid, in manner aforesaid, within three months after the same shall have become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

Stock a lien
for debts due
company

Sec. 8. *And be it enacted,* That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of said corporation; and all questions before them shall be decided by a majority of voices; and they shall have power to appoint committees of directors, a secretary, and such other officers, clerks and workmen, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such parts of the nett profits resulting from the business of the said corporation as they shall deem expedient; and shall also have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper respecting the management and disposition of the stock, property, estate and effects of the said corporation, the compensation of wages, and the duties and powers and conduct of the officers and workmen thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining

Powers and
duties of
directors.

thereto, and such by-laws, rules and regulations at their discretion to repeal, alter or modify; *Provided*, that such by-laws, rules or regulations shall not be repugnant to the constitution and laws of this state or of the United States.

Books open to
inspection of
stockholders.

Sec. 9. *And be it enacted*, That the directors shall at all times keep or cause to be kept at their manufactory, proper books of account, in which shall be regularly entered all the transactions of said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Restrictions.

Sec. 10. *And be it enacted*, That no part of the capital stock or funds of this corporation shall be used for banking purposes; and this act shall continue in force for the term of thirty years, and no longer, but the legislature may at any time alter, amend, modify or repeal the same.

Limitation

Passed, March 10, 1836.

AN ACT for the relief of Samuel Sutphen, of the County of Somerset.

Pension grant-
ed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to Samuel Sutphen, of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of fifty dollars, to be paid to the said Samuel Sutphen annually, in quarterly payments, from the passing of this act, during the life time of the said Samuel Sutphen, and the receipt of the said Sutphen, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed, March 10, 1836.

AN ACT to defray Incidental Charges.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That it shall be lawful for the treasurer of this state to pay the several persons hereinafter named, the following sums, viz: Certain incidental charges directed to be paid.

To Joseph Pugh, for newspapers for House of assembly, three dollars.

Thomas J. Combs, for setting grates in state-house, eight dollars and sixty-two cents.

P. J. Gray, for advertising notice of special term of supreme court at Camden, seven dollars.

Daniel Childs, for carpenter work and lumber, forty-six dollars and thirty-one cents.

Ralph Green, for sundry carpenter work for state-house, &c., twenty-five dollars and thirty-three cents.

William Curry, for floor mats and sand, three dollars and seventeen cents.

R. Sterling, for dry goods and sand, sixteen dollars and eighty cents.

Thomas Combs, for sundries, fourteen dollars.

C. B. Howell, for tin ware, &c., eighteen dollars.

Daniel H. Combes, for work in supreme court room, four dollars.

Josiah Harrison, for printing law restricting passage of bank notes, ten dollars.

John R. Smith, for hardware, &c., one dollar and seventeen cents.

John Cook, for blacksmith work, twenty-four dollars and thirty cents.

George Miller, for sundry merchandize, chiefly sperm candles, seventy-four dollars and sixty-nine cents.

William A. Benjamin, for hardware, three dollars and seventy-eight cents.

Andrew Newton, for glass, &c., for assembly room, four dollars and thirty-seven cents.

James D. Westcott, for registering treasurer's receipts, transmitting laws to the several states, and cash paid as per sundry vouchers, forty-one dollars and thirty cents.

Samuel Wooley, for making and putting down carpets, and other services in state-house, eighteen dollars.

John Wilson, for painting and glazing, twenty-four dollars and thirty-two cents.

Andrew Allison, for tiles, brick, &c., eight dollars and forty-six cents.

The President and Directors of the State Bank at Trenton, one hundred dollars, for rent of office as state arsenal.

His Excellency Peter D. Vroom, for postage as Governor, fifty-five dollars and twenty-two cents.

William P. Sherman, administrator of George Sherman, deceased, for advertising laws and public acts, twenty dollars.

David Johnston, assignee of John Noble, for carriage hire, two dollars.

James T. Sherman, for newspapers, seventeen dollars and four cents.

Richard P. Thompson, clerk, postage bill, four dollars and twenty cents.

Hammitt, Hutchinson and Weart, for carriage hire, fifteen dollars.

Professor Henry D. Rodgers, for one thousand copies of his Geological Report, five hundred and fifty dollars.

Joseph Justice, for his account for printing, during the two sessions of the legislature this year, four hundred and eighty-two dollars and fifty cents.

Joseph Justice, for bill of stationary, &c., two hundred and twenty-four dollars and fifty-three cents.

To Charles Parker, for cash paid by him, as follows :

For sundry bills, from number one to seven, inclusive, for Nott's stoves, for carpet, and for repairs and improvements to the council chamber, lobbies and assembly room, two hundred and sixty-seven dollars and twenty-eight cents.

2d. For charcoal, seventeen dollars.

3d. For repairs of fence on government lot, six dollars and fifty-three cents.

4th. For tow cloth, to bind up laws, four dollars and ninety-four cents.

5th. For postage, nine dollars and ninety cents.

6th. For expenses going to, while at, and returning from Philadelphia six times, and New York once, on business for the school fund, and for the purpose of negotiating a loan for the construction of the New Prison, forty dollars.

7th. For floor matting, ten dollars.

8th. For two hundred copies of Sitgreave's Manual, two hundred dollars.

9th. For expenses of blind children, ninety-eight dollars sixty-four cents.

Making an aggregate of six hundred and fifty-four dollars twenty-nine cents.

To Boswell and Clarke, for sundries, thirteen dollars ninety-three cents.

To Robert E. Horner, for newspapers furnished both houses, seventeen dollars and four cents.

To B. Davenport, for stationary, twenty-four dollars and fifty cents.

Passed, March 10, 1836.

AN ACT for the relief of James Cook, of the county of Morris.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to James Cook, of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said James Cook, annually, in semi-annual payments, from the passing of this act, during the lifetime of the said James Cook, and the receipt of the said Cook, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Pension granted.

Passed, March 11, 1836.

AN ACT relative to the commissioners appointed to superintend the building of the new State Penitentiary.

Preamble

WHEREAS the new State Penitentiary is so far completed, that the services of one commissioner will be sufficient to superintend the management thereof—therefore,

W. R. Allen
sole commis-
sioner

Governor to
fill vacancy

Salary

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William R. Allen, of the county of Burlington, be retained as said commissioner to superintend the finishing the State Penitentiary, with all the powers and privileges now held by the three commissioners, heretofore acting in that capacity; and that all acts or parts of acts coming in conflict with this law, be, and they are hereby repealed: *Provided*, that should the said William R. Allen, decline acting as commissioner aforesaid, or the said office of commissioner by any means become vacant, the Governor of this state, or person administering the government, is hereby authorized to fill such vacancy: *And provided always*, that the said commissioner appointed by this act, or who may be appointed by the Governor, shall receive as a compensation for his services at the rate of one thousand dollars per annum.

Passed, March 11, 1836,

JOINT RESOLUTIONS.

RESOLVED, by the Council and General Assembly of this State, That the Clerk of the Court of Chancery, and the Treasurer of this State, be authorized to fit up the room formerly occupied by the Council, for the future sittings of the Court of Chancery, and of the Prerogative Court, and as an executive office, for the use of the Governor; and the south ante-chamber of said room, as an extension of the state library room; and also, to remove the present doors of said former Council Chamber to the front arch on the same floor, replacing them with sash doors, similar to those in the present Council Chamber.

Passed, February 10, 1836.

WHEREAS, the claims of the United States on France, for depredations wantonly committed by her, upon our commerce, after having been the subject of negotiation for a quarter of a century, having at length been acknowledged as just, by all the branches of that government; by the king and his ministers, in the solemn formalities of a treaty signed and ratified; Preamble by the Chamber of Deputies, in voting an appropriation of the indemnity; and by the Peers, in concurring in that vote: *And whereas*, the French Government have, since the ratification of the treaty, while enjoying all the benefits which it secured to France, refused to execute it, and has demanded and dictated in terms, as a preliminary to its execution, an apology from the Government of these United States, for the statement of truth, and the performance of duty, on the part of the President, in his message to Congress; and persists in this demand, notwithstanding the frank and repeated

disavows by him of any intention to injure the feeling, or wound the honor, or to impugn the national character of the French Government or people: *And whereas*, while it becomes the genius and character of a free, enlightened, and conscientious people, to ask of Foreign Governments, nothing but what is clearly right, it is no less a sacred duty, due to ourselves, and to posterity, to the memory of the past, and to the hopes of the future, that we submit to nothing that is as clearly wrong; therefore,

Approval of
the course of
the President
in relation to
France.

1. *BE IT RESOLVED*, by the Council and General Assembly of this State, That the course adopted by the Government of the United States, in reference to France, is justly entitled to, and receives our entire approbation; that we approve of the firm, dignified, and national spirit which has been displayed by our venerable President, and accord to him this testimony of our confidence; that the sentiments and views expressed by him in his recent special message on the subject, meet our warm and decided approbation; as Americans, we are proud of our character, and that of our state and country; and while we ardently desire the continuance of peace, and trust that every proper measure to preserve it may be resorted to, yet if it cannot be preserved without national degradation, we are prepared, and pledge ourselves, to stand by and sustain the Government of our choice. We cordially respond to the patriotic sentiment of the Executive, that if France wants a degrading apology or explanation, "in terms which she shall dictate, and which will involve an acknowledgment of her assumed right to interfere in our domestic councils, she will not obtain it." "Come what may, the explanations which France demands, can never be accorded."

Concurrence
in resolution of
House of Re-
presentatives

2. *Resolved*, That we freely and entirely concur in the resolution unanimously adopted by the House of Representatives, at the last session, declaring, "That the treaty with France of the fourth of July, eighteen hundred and thirty-one, should be maintained, and its execution insisted upon."

Instructions

3. *Resolved*, That while we approve of the pacific recommendation of the President, in relation to the exclusion of French goods and vessels from our ports, we do hereby instruct our Senators, and request our Representatives in Congress, to sustain, by their votes and exertions, every measure necessary to increase our naval forces, to put our seaboard in a complete state of defence, and to maintain the interests, vindicate the honor, and enforce the rights of the nation.

4. Resolved, That the Governor of this state be requested to transmit to the President of the United States, to the Vice President, to each of our Senators and Representatives in Congress, and to the executives of each of the states, and territories, a copy of the foregoing preamble and resolutions.

Passed, February 12, 1836.

WHEREAS the repeated and extensive losses of life and property, occasioned by the navigation of that part of the Delaware Bay, known by the name of Cape May Roads, render it necessary that measures should be taken to decrease, if they cannot entirely remove the evil.

And whereas it is well known to all acquainted with that portion of the state, that vessels drawing more than three fathoms water cannot approach the New England Channel, and that it is used by coasting vessels only, and the lighter craft, and to them its easy navigation is a matter of serious importance. Preamble.

The coasting trade has increased within a few years to an enormous extent; the amount of it from Philadelphia eastward, and the importance of the Philadelphia market to the Eastern States, require that this branch of commerce should receive all the protection possible; for this purpose a safe harbor in the said Roads is all important.

Vessels bound up the Delaware, approaching Cape May Light, in thick and rough weather, cannot with any degree of safety, run for the Breakwater; the shoals in the mouth of the Delaware, numerous and dangerous, prevent them. Their only course is through the Cape May Roads, and when the wind is from the south-west and north-west, places them on a lee shore. Such a wind has a fair sweep from upwards of forty miles across an open bay; it exposes all vessels at anchor to great danger, if not to certain destruction. Those that cannot ride it out, must go

ashore, which is often the case; and the loss of life and property has been afflicting and extensive; complaints are frequently made, and very justly too, that vessels bound up the Delaware and running the eastern channel are lost for the want of light houses on the Jersey shore. These serious difficulties in the way of navigation of the Delaware, and the successful protection of the coasting trade, can be obviated by the erection of a stone pier from half to three-fourths of a mile in length, to be placed on what is called "Crows Shoal," at a proper distance from the Bay-Shore, or at whatever other point a skilful engineer may determine; and also, a light house on Egg Island, and another on Cohansey-Point—Therefore,

Appropriation
requested

RESOLVED, That in the opinion of this legislature, the matters set forth in the foregoing preamble are peculiarly worthy of the attention of Congress, as guardians of the interests of the whole community, and that a survey of the said Cape May Roads, and an appropriation for the construction of said pier and light houses, would conduce greatly to the general good.

Resolutions to
be presented to
Senators and
Representa-
tives

Resolved, That a copy of the foregoing preamble and resolutions be forwarded by the governor of this state to our senators and representatives in Congress, to be by them laid before both houses of Congress.

Passed, March 4, 1836.

BE IT RESOLVED, by the Council and General Assembly of this State, That the treasurer of this state be authorized to settle with, and make compensation, to Richard J. Bond, William M. Griggs, Samuel Lippencott, Daniel J. Blackwell, Edmund Rue, Elizabeth Henderson, Daniel Newbold, S. W. Thomas, Ezekiel Pullen, J. Arnold, James Priest, William Paul, Samuel Allison, Margaret Bodine, John Miles, John Meirs, Charles Dippoldt, and Abraham Woodruff, severally, the sums stated in the report of the state prison committee, for

property owned by them, and destroyed by the recent fire at the state prison; the aggregate amount so appropriated, not to exceed four hundred and ninety-six dollars and ninety-six cents.

Passed, March 5, 1836.

RESOLVED, *Council concurring*, That the treasurer of this state, be authorized and required to purchase two hundred copies of the Manual of Legislative Practice, printed under the authority of this Legislature, and distribute the same as follows, viz.: To the Governor and Secretary of State, to each member of the present Legislature, Secretary of Council, Clerk of Assembly, State Treasurer, Attorney General, Law and Chancery Reporters, Judges of the Supreme Court, Clerks of Supreme Court and Chancery, Clerks and Surrogates of the respective counties, Senators and Representatives of this state in Congress, President of the Senate and Speaker of the House of Representatives of the United States, Law Library of New Jersey, Incorporated Libraries of New Jersey, Congressional Libraries, one copy each; *And further*, That the remaining copies be placed in the State Library for the use of succeeding Legislatures.

Passed, March 9, 1836.

RESOLVED, *by the Council and General Assembly of this State*, That the treasurer of this state, pay unto Joseph W. Scott, esq. in payment for his revision of the Orphans' Court system, the sum of five hundred dollars from any unappropriated money in the treasury, and that the receipt of the said Joseph W. Scott shall be a sufficient voucher for such payment.

Passed, March 10, 1836.

RESOLVED, by the *Legislative Council and General Assembly of the State of New Jersey*, That the legal proceedings in relation to the escheat of the lands of William Lewis, situate in the county of Burlington, be discontinued upon payment of the fees and costs incurred by said proceedings.

Passed, March 11, 1836.

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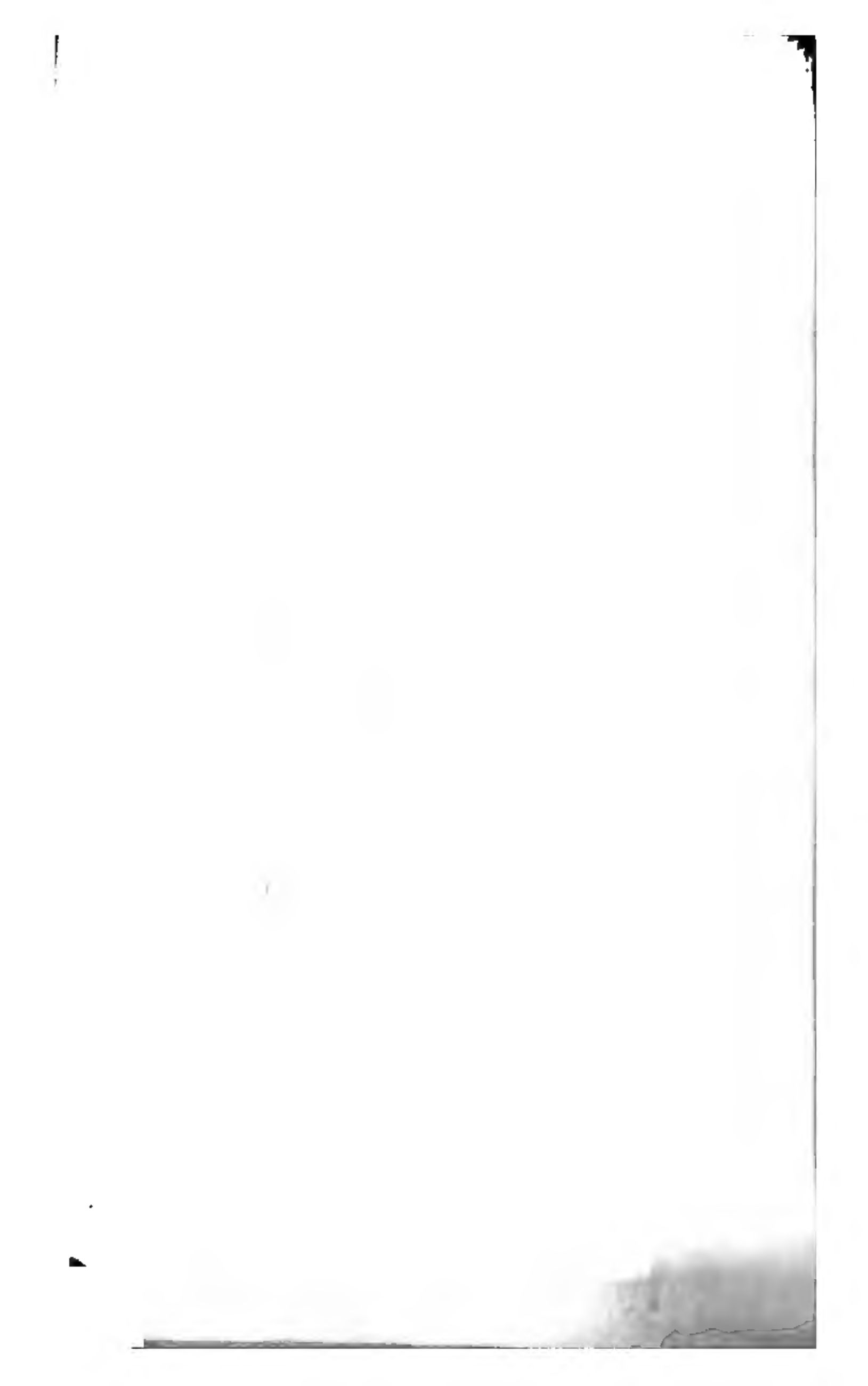
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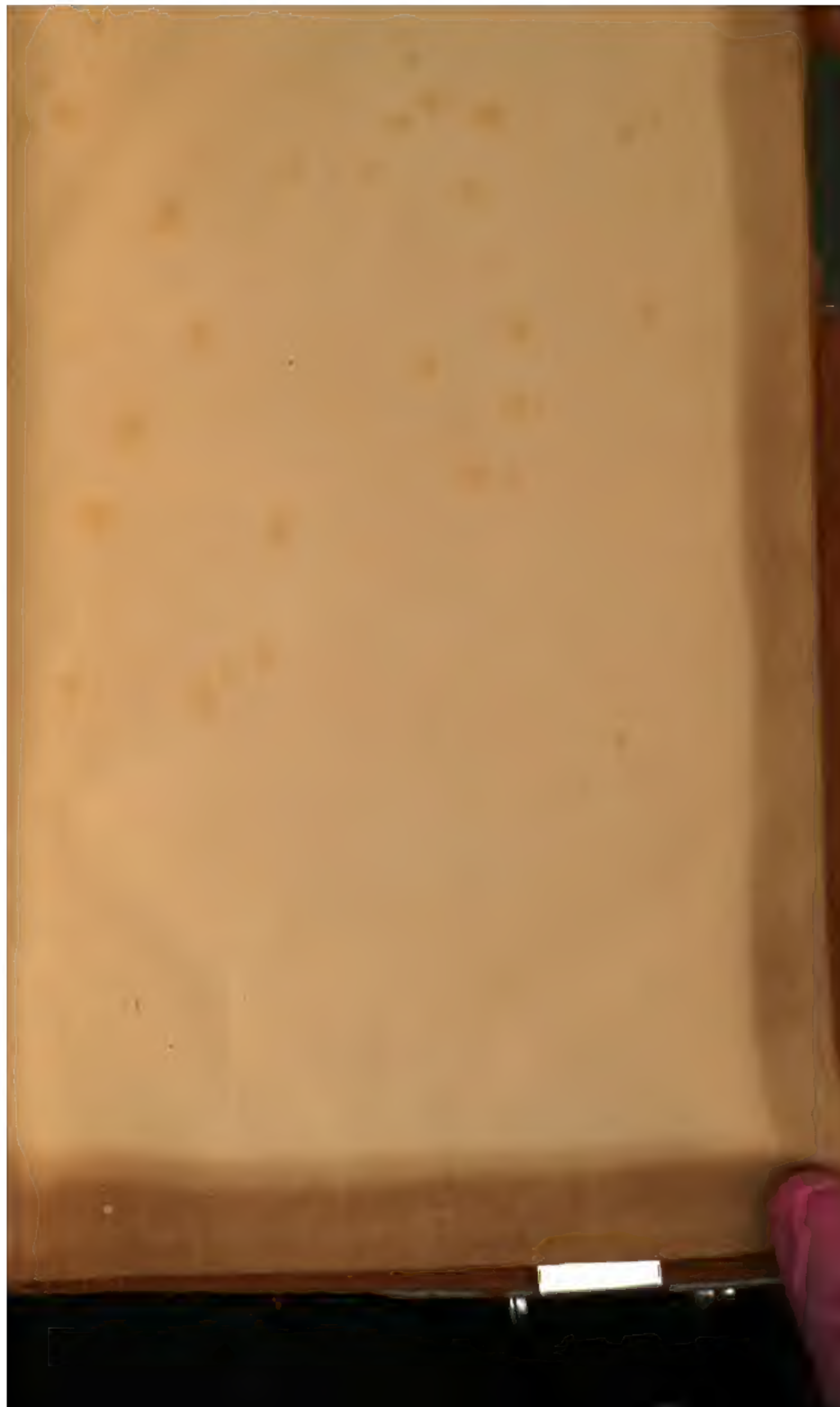
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